Mrs Helen Grant (Maidstone and The Weald) (Con): One in four girls are hit by their boyfriends—some are as young as 14 and 13. What action will the Attorney-General take to deal with that?

The Attorney-General: My hon. Friend highlights an area of undoubted concern—violent behaviour by younger teenagers—but as she will appreciate, that is first a matter for the police. Secondly, if such cases come to the attention of the CPS, consideration must be given as to whether it is in the public interest to prosecute. Each case will turn on its own facts, and prosecutorial discretion may have to be exercised in such circumstances.

That said, if my hon. Friend feels that that is a growing difficulty, the multi-agency approach that we were talking about in a different setting a moment ago will probably be the only way to tackle it. At the end of the day, prosecutors can take only one of two decisions—to prosecute or not—but prevention must come from other agencies.

Human Trafficking

6. **Lisa Nandy** (Wigan) (Lab): What recent discussions he has had with the Director of Public Prosecutions on the prosecution of cases involving allegations of human trafficking or slavery. [72849]

7. **Michael Connarty** (Linlithgow and East Falkirk) (Lab): What plans he has to increase prosecutions of those involved in human trafficking. [72851]

The Attorney-General: I have had no recent discussions with the Director of Public Prosecutions on the prosecution of cases involving human trafficking or slavery. However, the Crown Prosecution Service is working with law enforcement agencies and others, both in the UK and in source countries, to improve the investigation and prosecution of those involved in human trafficking. The CPS is also encouraging victims of human trafficking to support criminal proceedings.

Lisa Nandy: Having worked with the remarkable children caught up in this appalling trade over many years, I can tell the Minister that the most effective way to increase the number of prosecutions is to provide support for victims. Will he mark anti-slavery day by announcing a formal system of child guardianship, so that we no longer have the appalling spectacle of children as young as five having to instruct their own lawyers, simply because there is no one else to do so?

The Attorney-General: The specific matter that the hon. Lady raises is, I am afraid, outside my immediate remit in terms of my responsibilities for the CPS. As she will be aware, the Government announced the decision to opt in to the EU directive on human trafficking in March 2011. We are now working closely with the Commission on its implementation, which includes the review of our domestic legislation to ensure that it complies with the provisions, and that it does not inhibit our ability to bring successful prosecutions. The Government, the CPS and I will continue to give human trafficking a high priority. For those reasons, I hope that the hon. Lady's point will be given consideration at the same time.

Michael Connarty: I read with interest the CPS report on prosecuting human trafficking cases, and I cannot understand how the Minister can say that the matter is not within his remit, because it quite clearly talks about vulnerable children, the need for adequate support and safeguarding. It is difficult to get prosecutions if those children flee, and we do not know how many are in care or how many are missing. Surely the obvious thing to do would be to have a scheme of guardianship, in which the children are looked after individually. They could then be supported through the process of going to court, so that we can get prosecutions for this heinous crime.

The Attorney-General: I appreciate the hon. Gentleman's point, and for the reasons that I gave in answer to the hon. Member for Wigan (Lisa Nandy), I can see that it has considerable force, but I do not think that it is the specific responsibility of the CPS to deliver on this. It would require work with other agencies to achieve it and, for those reasons, it is something that I am happy to see taken forward, but it is not something that the CPS on its own can deliver.

Mr Peter Bone (Wellingborough) (Con): The Attorney-General is right that the issue of guardianship is for other parts of the Government. However, he is responsible for sentencing. The Government, in their human trafficking strategy, promised a review by December. Will he update us on how that review is going and congratulate the Prime Minister on marking anti-slavery day by having a reception in Downing street on 19 October?

The Attorney-General: I join my hon. Friend in congratulating the Prime Minister on properly commemorating anti-slavery day. I am afraid, however, that I am not in a position to give my hon. Friend an update. There is a timetable for this report to come out. If I have any further information on the matter, I shall write to him.

Keith Vaz (Leicester East) (Lab): Human trafficking is a crime that crosses borders. What discussions have been held with Europol and Eurojust to try and catch the real perpetrators of this terrible crime?

The Attorney-General: I know that there are frequent discussions between police services and the CPS and its counterparts about co-operation. As the right hon. Gentleman will be aware, the EU directive on human trafficking is designed to provide a measure of co-ordination in this area. I have to say again to him that I would be happy to arrange a briefing for him from either the police or the CPS, if that would be of assistance to him in understanding the details of how that work is carried out. However, I am confident from what I know of the work being done that a high level of co-operation is achieved with our partner countries.

Fiona Mactaggart (Slough) (Lab): The original question was about how the Attorney-General will increase the number of prosecutions. According to an answer that I received not long ago, there have been only six prosecutions for holding someone in slavery since the introduction of that specific offence 17 months ago. What will he do to increase the number of successful prosecutions for holding people in servitude?

The Attorney-General: There has been at least one reference by my office to the Court of Appeal of an unduly lenient sentence in which that sentence has been increased. In addition, I think that the CPS acknowledges that trafficking for forced labour is a particularly difficult area in which to get people to come forward and give evidence. The CPS will therefore continue to work with other agencies, including the police, to try to provide an environment in which that can better happen.

Forensic Science Service

8. **Tom Blenkinsop** (Middlesbrough South and East Cleveland) (Lab): What recent discussions he has had with the Secretary of State for the Home Department on the effect on prosecutions of the closure of the Forensic Science Service. [72852]

The Attorney-General: I have met the Under-Secretary of State for the Home Department, my hon. Friend the Member for Old Bexley and Sidcup (James Brokenshire), who has responsibility for crime and security, twice since April 2011 to discuss issues and progress around the closure of the Forensic Science Service. Furthermore, representatives from my office and the CPS attend regular Home Office-led FSS transition board meetings and participate in key groups leading the FSS closure process.

Tom Blenkinsop: Will the Attorney-General clarify whether he and the CPS were consulted before the announcement of the FSS closure? If so, what was his response and that of the CPS?

The Attorney-General: Yes, we were consulted, and our response was that, on the basis of our understanding of how the closure was to be carried out, the Director of Public Prosecutions was satisfied that the quality of forensic science available to the CPS would be maintained.

Andrew Miller (Ellesmere Port and Neston) (Lab): You were given duff information.

The Attorney-General: In view of that intervention, I would simply add that the current position is that the closure process has been monitored and the DPP remains satisfied at present that in no case has the closure of the FSS had any impact on his ability to carry out prosecutions within the CPS.

Mr Speaker: I am immensely grateful to the Attorney-General, whom no one could ever accuse of excluding from his comprehensive answers any fact that he judges to be material. We are most grateful to him.

Weightman Report (Fukushima)

3.35 pm

Paul Flynn (Newport West) (Lab) *(Urgent Question)*: To ask the Secretary of State for Energy and Climate Change if he will make a statement on the implications for the United Kingdom of the Fukushima disaster.

The Secretary of State for Energy and Climate Change (Chris Huhne): Safety is always our No. 1 concern, and we clearly needed to understand the facts before making any decisions. That is why I asked the UK's chief nuclear inspector, Dr Mike Weightman, to look at what Fukushima means for nuclear energy in Britain and at what lessons can be learned. Today, I have presented his final report to Parliament.

I have not forbidden Dr Weightman, the UK's chief nuclear inspector, to do anything. When I asked for a report on the lessons that could be learned from the events at Fukushima, I made it clear that he could determine, in his independent role, the scope of the report as he saw fit. Dr Weightman's final report sets out a number of conclusions and recommendations that identify various matters that should be reviewed by the Government, the regulator and the industry, to consider whether further improvements could be made to the safety of the UK nuclear industry. As part of the regulatory regime, the industry is already legally bound regularly to review the safety of its facilities and to make reasonably practical improvements if gaps are found. Any additional costs resulting from these reviews, including as a result of the chief nuclear inspector's report, are a matter for site operators. The initial report made it clear that the current regulatory safety framework in the UK is satisfactory, and Dr Weightman continues to see no reason to curtail the operation of nuclear power plants or other nuclear facilities here in the UK. He believes that the industry has reacted responsibly and appropriately, displaying strong leadership for safety and safety culture.

The final report restates Dr Weightman's interim conclusions and recommendations. It also concludes that the UK practice of periodic safety reviews of licensed sites provides a robust means of ensuring continuous improvement in line with advances in technology and standards. It emphasises the need to continue the Sellafield pond and silo clean-up with the utmost vigour and determination, and it reassures us that nuclear can go on being a part of the low-carbon energy mix in the UK. Dr Weightman confirms the advice that he gave at the time of the interim report. He saw no reason to revise the strategic advice for the nuclear national policy statement or any need to change the present siting strategies for new nuclear power stations in the UK.

Paul Flynn: That was a very bad start. I do not know whether the right hon. Gentleman was present at a seminar organised by the Parliamentary Office of Science and Technology in the summer, at which Dr Weightman was asked whether he was allowed to consider costs. He said no, his remit was not to consider costs, so I believe that the Secretary of State is entirely mistaken in what he has said here. We have in the report a statement of the fairly obvious—namely, that this country is not going to have the kind of tsunamis and earthquakes that they have in Japan. It does not contain a word about the reason for the rush from nuclear throughout the world, which is cost. That is the reason that Germany, Italy, Switzerland, Malaysia and Thailand have moved away from it, and the reason that companies such as Siemens have pulled out and that RWE is probably going to do so.

I am afraid that, from the start of the disaster, the Government have decided to cover up and to conceal, but the evidence is there. *The Guardian* published internal e-mails from Government Departments that showed that the Business and Energy Departments worked closely behind the scenes with the multinational corporations EDF, Areva and Westinghouse to try to ensure that the accident did not derail their plans for a new generation of nuclear stations in Britain. This is a quite disgraceful, scandalous collusion between the Government and those companies, which have a commercial interest in making large sums of money out of nuclear power.

Mr Speaker: Order. May I gently remind the hon. Gentleman, lest he forget, that he is asking a question?

Paul Flynn: I would like the Secretary of State to comment on the veracity of this claim. The e-mails said that the scandal of the accident had

> "the potential to set the nuclear industry back globally."

They went on to say:

> "We need to ensure the anti-nuclear chaps and chapesses do not gain ground on this."

Does the right hon. Gentleman think that this is a legitimate way for the Government to behave? They have ignored the costs, which is the real reason why nuclear should come to an end.

I remind the right hon. Gentleman of this statement:

> "Nuclear is a tried, tested and failed technology and the government must stop putting time, effort and subsidies into this outdated industry."

That is a quote with the Secretary of State's fingerprints indelibly on it, and it was still there on his website this morning. He made another statement:

> "Nuclear power is too expensive, too costly and we should not go down that road."

That was before he was bewitched by the pied piper of nuclear power, when he was free to think and to tell the whole truth before his mouth was bandaged by the seals of his ministerial office. The country needs advice on the way forward and it needs consideration of the full implications, principally the cost that is making nuclear power unaffordable and uninsurable throughout the planet. We are not getting that. We should ask the Government to do their full job and present us with a report that is comprehensive and full.

Mr Speaker: I am grateful to the hon. Gentleman, but the House and the nation now need an answer.

Chris Huhne: All I can say is that I am delighted; I could not expect anything less from the hon. Gentleman, who is a member of the Gorsedd of Bards: what he lacks in facts, he is able to make up for in poetry and rhetoric. Let me a deal with a couple of his key points.

I believe that the e-mail exchange reported in *The Guardian*, to which the hon. Gentleman drew attention and quoted, came from an official in the Department for Business, Innovation and Skills rather than from the Department of Energy and Climate Change. No, I do not approve at all of the tenor of those remarks; nor are they the tenor of the policy making we conduct in DECC. We are very clear that safety is absolutely the No. 1 concern. The hon. Gentleman will be aware that we made a clear provision in the coalition agreement that nuclear power could go ahead, providing that there is no public subsidy and providing investors are prepared to do that. That is exactly what is going on.

I think the hon. Gentleman misinterprets what Dr Weightman said about the issue of costs. The situation is exactly as I said. Dr Weightman could have looked at costs had he wanted to; the reality is that he, quite rightly as the chief nuclear inspector charged with safety, takes the view that safety comes first—regardless of the cost issues. That is why he has come up with a report that does not look into whether the measures he puts forward will or will not have excessive costs. That is for the potential operators to judge, not for Dr Weightman, and the operators will do so.

Let me end my response to the hon. Gentleman by pointing out that a published study, commissioned from Arup, available on the DECC website, puts the costs of nuclear at £71 per megawatt-hour in comparison with the lowest marginal cost at the moment, which would be a gas plant operating at £77 per megawatt-hour. Although he is absolutely right that stringent safety measures might add to costs, the other factor that needs to be taken into account is that precisely because some other countries have not gone through the same process as we have—of assessing the facts and attempting to base our policy on the evidence—they have pulled out of new nuclear construction. The result of that is that demand for new nuclear power stations has fallen. Normally, according to my basic economics, when demand falls and supply stays the same, the price goes down, not up.

Caroline Flint (Don Valley) (Lab): I join the Secretary of State in thanking Dr Weightman for preparing the report, and thank the Secretary of State for allowing early sight of it.

The terrible events in Japan earlier this year reminded us that the Government must ensure that our regulatory regime in the nuclear industry is robust, and that there can be no compromises on safety. In that light, the Government were entirely right to ask the Office for Nuclear Regulation to examine the events in Japan and their implications for the United Kingdom.

I welcome the recommendations in today's report, which will of course need to be closely examined, but given that the situation in Japan is clearly still ongoing, will the Secretary of State tell us what further monitoring he has planned? Will he also clarify two points? Can he confirm first that Dr Weightman was satisfied with the amount of time that he was given in which to prepare the report, and secondly that he had enough access to UK sites to inform his recommendations?

In our view, nothing in the report calls into question the importance of a continued role for nuclear power as part of a more sustainable future energy mix. Given the concern expressed in recent days about the Government's commitment to tackling climate change, along with the worrying news of Scottish and Southern Energy's decision to pull out of a nuclear project in Cumbria and speculation about the future of RWE's nuclear programme in the UK, may I ask the Secretary of State what he is doing to ensure that the Government give investors the support and confidence that they need to deliver the construction of new capacity in the nuclear industry on time and on budget?

Chris Huhne: I congratulate the right hon. Lady on her first outing in her new role. She was right to say that the events in Japan are ongoing, but we feel—and Mike Weightman certainly feels—that the circumstances are clear enough to render it unlikely that any substantial new information will necessitate a change in the recommendations. However, one thing that emerges from the review is the fact that the culture of nuclear regulation in the UK is, appropriately, one of continuous improvement. If new facts come to light, we shall be able to take them on board and improve the regulatory environment.

Dr Weightman certainly feels that he was given enough time in which to complete the report, but had he wanted more time it would have been available to him. I was particularly pleased that his expertise—of which the right hon. Lady will know, as he was appointed by the last Government to inquire into the Potters Bar rail disaster—his independence and his impartiality were recognised by the international community when he was appointed by the International Atomic Energy Authority to conduct its review of the lessons of Fukushima. He has been running that operation in parallel with this.

I think we can be confident that we have an extremely solid piece of work here, and that the lessons are genuinely being learned. Dr Weightman—who is, after all, the chief nuclear inspector—had all the access that he needed not just to the reactors, but to all the UK sites. In this final report, he deals with some of the lessons that may emerge from the silo and pond issues at Sellafield. The ministerial team is seized of the need to deal with those important issues, and to make certain that no resource constraint prevents us from acting as quickly as possible to ensure the proper security of the sites.

The right hon. Lady asked about the speed of nuclear projects. Some delay will inevitably have been introduced into the process because of the lessons of Fukushima, but we are confident that all the key elements of the process that we, as a Government, need to undertake to get things going have been undertaken. We have produced national nuclear policy statements, discussions continue between the operators and the regulator on the generic design assessment, and we have put through the regulatory justification. I understand that, either today or yesterday, planning permission was requested for the first new reactor at Hinkley Point, which is due to be completed at the end of the decade. I believe that investors in nuclear power are content that we are moving as rapidly as we could expect to move.

Mike Weatherley (Hove) (Con): Given that the estimated cost of the clean-up of existing nuclear waste is £100 billion, that the national policy statement said nuclear power was not risk-free, and that the European cap on insurance is £1.6 billion, whereas the cost of the Japanese disaster is estimated at over £60 billion, will the Secretary of State confirm that cost will be a factor in decisions on nuclear power in the future and that nuclear power will remain an option of last resort?

Chris Huhne: I certainly will not say that nuclear power is an option of last resort; the electricity market reform clearly anticipates that it can be part of the portfolio of low-carbon electricity generation, which could include renewables, nuclear or clean coal and gas. It is precisely because of the uncertainties that attach to all forms of electricity generation, and, indeed, the fact that all forms of electricity generation—whether onshore wind turbines, nuclear power or a new power station—seem to carry with them a little cloud of people who happen to dislike them, that we need a portfolio to deal with both the technological risks and the economic uncertainties.

The hon. Gentleman also asked about the issue of the cap, and I would merely caution him not to confuse two things: the third-party liability, which is dealt with under the Brussels and Paris conventions, and the total cost of dealing with the Fukushima disaster—the figure he cited is one of the more extreme estimates. We had a consultation that ended in the spring, and we are looking at issues to do with raising the limit on the third-party liability. Those discussions are ongoing, and we will make an announcement in due course.

Malcolm Wicks (Croydon North) (Lab): I thank the Secretary of State for delivering what was a perfectly rational statement based on the report by Dr Weightman, but will he reflect on the fact that political leaderships in many parts of the world are now putting tackling climate change ever lower down the agendas that count, and does he agree that it is therefore very important that Britain goes ahead with the civil nuclear programme, not only for reasons of energy security, but to confirm that we are absolutely determined to hit our CO_2 reduction targets—which were, of course, agreed by this Parliament?

Chris Huhne: The right hon. Gentleman is one of the most expert and experienced Members in this field and he is absolutely right and I entirely agree with the sentiments he has expressed. I am not sure whether I would go along with his view that people are resiling from action on carbon emissions, however. One of the striking aspects of public opinion as shown in the recent European Commission Eurobarometer results is that there has been hardly any change in this country or anywhere else in the proportion of people who are seriously concerned about climate change. Indeed, the last Eurobarometer survey was undertaken in June and more people in this country were concerned about this issue than about the economic situation, which I found surprising as that tends to take precedence over other things when we are in difficult times.

The other point the right hon. Gentleman should bear in mind is that the entire low-carbon shift—the transition to a low-carbon economy—offers enormous potential growth opportunities. That is the case in terms of not only nuclear, but also renewables, clean coal and gas, and energy saving. They are the four key pillars of the Government's policy. We are already seeing substantial demand effects and job effects from the investment being made in those areas. For example, just in terms of the three supply-side elements of energy policy, Ofgem has estimated spending at £200 billion over 10 years, which is roughly double the normal amount of energy investment in a business cycle. That is an important reason why we are likely to have support for the recovery going forward.

Several hon. Members *rose—*

Mr Speaker: Order. Many Members are seeking to catch my eye, but I am afraid that I will be able to call all of them only if we have substantially briefer questions and answers.

Mr David Nuttall (Bury North) (Con): While my constituents in Bury, Ramsbottom and Tottington will have every sympathy for all those affected by the earthquake and tsunami in Japan, they will equally want to be reassured that when they flick the light switch the lights actually come on. Can the Secretary of State therefore reassure them that nothing in this report will make that any less likely than it was before the Fukushima incident?

Chris Huhne: The hon. Gentleman is absolutely right to point that out, and a key issue for our ministerial team and the Department is ensuring that the lights stay on. A quarter of our power plants are due for retirement in the next 10 years, and we need to replace all of those. Almost all our existing nuclear plants will come offline by 2023, as will a substantial amount of fossil fuel plants, and we are determined to ensure that the lights stay on.

Caroline Lucas (Brighton, Pavilion) (Green): I find it shocking that the Secretary of State has had to be dragged here by the urgent question asked by the hon. Member for Newport West (Paul Flynn), but I am glad that he is here because I want to ask him about flooding. The ONR's interim report stated that there is potential for flooding to occur in the near vicinity of nuclear sites and it went on to say, crucially, that that risk is unknown because

> "the detailed specific likelihood and consequences of flooding have not been assessed"

by the regulators. The final report concludes:

> "Flooding risks are unlikely to prevent construction of new nuclear power stations".

How can the Secretary of State be so sure that there is no risk from flooding, given that the ONR has said that it has not had the ability to check that?

Chris Huhne: The hon. Lady is quite wrong to suggest that I have been dragged here; I am very happy to talk on this subject at any time but, unfortunately, we know that there are other matters with which the House has to deal. Let me address the key point on flooding, which was a question that I specifically asked Dr Weightman at the beginning of the process. We will not have seismic events like those in Japan; the biggest seismic event in the UK took place in 1931 on Dogger bank, and I believe that the Japanese earthquake was 35,000 times as strong. However, this country does have natural cataclysms. We know, from the flash flooding that has sometimes occurred at the top of hills when drains have been overwhelmed, that we can get a flood risk. That is precisely why I asked Dr Weightman to examine this matter. There is flood risk from storm surges and flash floods. That is taken into account in the system and we are dealing with it site by site to ensure that these sites can continue to operate with satisfactory back-up systems regardless of the events.

Tessa Munt (Wells) (LD): The Secretary of State will of course be aware that there was a tsunami in Somerset on 29 January 1607 and countless thousands of people lost their lives. He has referred to the fact that the Hinkley Point application has been received. I understand that it is a 95,000-page application, with 50,000 pages of supporting documentation. How are local people and the statutory authorities that are meant to consider that information supposed to be able to do that with any sense of fairness?

Chris Huhne: I am grateful to my hon. Friend for her question. There is indeed reporting of a storm surge of substantial magnitude in 1607—the hon. Member for Newport West (Paul Flynn) has raised this in the past. Fortunately, this is not quite as common an event in this country as it is in Japan, as one can gather from our having to go that far back in the historical record. We can count our lucky stars that we do not have the seismically challenged environment that the Japanese do. All I can say to her on the planning process is that it is completely transparent and open. If local people want advice from a number of different sources, they will obviously be able to go to those sources. There will be absolutely no shortage of legal or other expertise available to them to do that. I am confident that they will be able to understand the purport of the application for planning permission that has been made.

Barry Gardiner (Brent North) (Lab): I welcome the Weightman report. The Secretary of State will know, however, that two key issues arise out of events at Fukushima, one of which is the hike in the price of gas, as a result of Germany's approach and the decision taken in Japan to evacuate the nuclear space. What is he doing about the knock-on effect that that will have on fuel poverty in this country and about the way in which the European carbon emissions reductions targets are going to be much more difficult to meet, given that Germany and other countries will be investing in gas rather than nuclear? What discussions has he had at a European level?

Chris Huhne: The hon. Gentleman asks about the gas price, and he is absolutely right: if my memory serves me, outside the United States the gas price is up by about 27% over last year. One of the biggest debates in this area is what will happen to the gas price. We have clear demand pull factors from growth in the far east and the fact that a number of countries are moving away from nuclear towards gas. On the other side, we also have a substantial amount of new unconventional gas resources being discovered—not least among them those announced by Cuadrilla in the north-west of England, where the company thought it had discovered a substantial amount of new unconventional gas. The balance between those factors is not at all clear, and that is one reason why it is so important that we have a portfolio of technologies—clean coal and gas through carbon capture and storage, nuclear and renewables—to enable us to exploit them all.

On fuel poverty, the first key point is that we have made the warm homes discount statutory rather than voluntary and increased the amount of resources available to it by two thirds compared with what was being paid by the previous Government. The Warm Front scheme is gradually being phased out because we are phasing in the green deal next year, and a substantial element of it will tackle fuel poverty. I believe it will make a big difference, precisely because it will tackle the root causes of fuel poverty rather than merely putting a sticking plaster on the symptoms.

Mr Speaker: It is always a great pleasure to listen to the Secretary of State, but may I gently remind him of the merits of the abridged rather than the "War and Peace" version?

Christopher Pincher (Tamworth) (Con): Although it is interesting to listen to the hon. Member for Newport West (Paul Flynn) describe the tsunami as a "scandal", will my right hon. Friend the Secretary of State confirm three points? First—this bears repetition—we do not sit atop a seismic fault; secondly, we do not stack five nuclear reactors in a row; and thirdly, we use a different cooling mechanism. Those are three reasons why, although we should not be complacent about our nuclear energy strategy, we should be confident that we have one of the best records in the world.

Chris Huhne: Bearing in mind your injunction, Mr Speaker, I can confirm all those points.

Albert Owen (Ynys Môn) (Lab): I very much welcome the Weightman report, and also the interim report delivered before the House went into recess. The British nuclear industry has an excellent safety record, and the report confirms that. Will the Secretary of State ensure that potential developers for future nuclear builds make the findings of the Weightman report available, so that communities and constituents such as mine can make an informed choice based on the facts, not on fear and ideology?

Chris Huhne: The hon. Gentleman is absolutely right—and better than that, the report is available on the Department of Energy and Climate Change website for any of his constituents who want to access it.

Dr Julian Lewis (New Forest East) (Con): I thank the Secretary of State for his role in commissioning this largely reassuring report. For the avoidance of doubt, will he explain to the House what the effect would be on the Government's efforts to reduce carbon emissions in the generation of electricity were we to exclude nuclear from our collection of generating units?

Chris Huhne: It is not easy to forecast the future, and we have taken the portfolio approach to different sources of energy precisely because we might be living in a low gas price world or a high gas price world, and we need a basket of technologies that allows us to exploit the most affordable low-carbon option for British consumers in the future. In a low gas price world, clean gas could be the cheapest way of providing electricity, but in a high gas price world, the cheapest way could well be nuclear. In such circumstances, there would clearly be an increase in cost.

Jim Shannon (Strangford) (DUP): I welcome today's ministerial statement, and add my support for a nuclear strategy for the whole United Kingdom. Will the Secretary of State confirm that the international regulators who were contacted included those in France and Germany, which are strong supporters of nuclear power, and that those countries are satisfied with the outcome of the Weightman report on Fukushima?

Chris Huhne: Those countries will not have seen the Weightman report as yet, as it was only published today, but Dr Weightman is regarded very highly in the international community, which is one reason why he was chosen by the IAEA. I am confident that the report will have a substantial impact.

Andrew Miller (Ellesmere Port and Neston) (Lab): We should never forget the fact that thousands of Japanese families are still grieving for the loss of their loved ones as a result of this incident—not the nuclear issue, but the natural disaster. Will the Secretary of State send our thanks to Mike Weightman and Professor Sir John Beddington for their work in reassuring the British public about this matter, and will he confirm that, unlike with the smoke and mirrors in other Departments, there will be no cuts in scientific investment in his Department, which will carry on researching these important fields?

Chris Huhne: I can certainly, and happily, join the hon. Gentleman in thanking both Mike Weightman and Sir John Beddington. They have both performed a very useful role in making sure that our debate is based on the facts and does not run to conclusions not supported by the evidence. All Departments have had to take reductions in their budget because of our inheritance when we took office. We have had to prioritise, and I am afraid that the scientific area is the same as everywhere else in that respect. But I am confident that we are able to go ahead with the key issues that are important to the Department precisely because we have focused on what we believe those to be.

Ms Margaret Ritchie (South Down) (SDLP): I thank the Secretary of State for his statement. My constituents on the east coast of Northern Ireland have a particular concern about the decommissioning of nuclear plants because of the historic legacy of Sellafield and the cumulative effect of the indiscriminate discharges of radioactive waste over many years. They will seriously want to know why the right hon. Gentleman feels that the future nuclear programme will not suffer from the same problems as occurred in the past, in terms of the cost and of environmental safety, associated with the decommissioning of nuclear plants.

Chris Huhne: The hon. Lady asks an important and interesting question, because I am determined that on the new nuclear programme we should be as open as we can be about all the considerations. Anybody looking at our past historic nuclear programme would have to be shocked. The hon. Member for Hove (Mike Weatherley) has already mentioned the £100 billion cost of potential liabilities. On an ongoing basis, that means that literally 55% of the Department's budget this year is being spent on nuclear clean-up. Perhaps it should be called not the Department of Energy and Climate Change, but the Department for nuclear and coal clean-up, energy and climate change. That percentage goes up to two thirds next year, so the ministerial team is acutely aware of the importance of ensuring that this never happens again. There are various reasons for that. I would be trespassing on Mr Speaker's ruling were I to go on at greater length, but I will be giving a lecture on this matter to the Royal Society on Thursday, and we will try to arrange an invitation to that for the hon. Lady.

Mr Speaker: The advance notice from the Secretary of State is greatly appreciated, and we thank him for that.

Gordon Banks (Ochil and South Perthshire) (Lab): Is the Secretary of State satisfied that there are no challenges to future nuclear safety caused by a lack of suitably qualified UK engineers?

Chris Huhne: It is crucial that we have qualified people for the new nuclear programme and for maintaining our existing nuclear fleet, which is still responsible for 18% of our electricity generation. That is one reason why my esteemed colleague the Minister of State, my hon. Friend the Member for Wealden (Charles Hendry), has been ensuring, with our colleagues in the Department for Business, Innovation and Skills, that the training programmes and nuclear academy are there, and that there is a future generation able to continue the tradition of engineering expertise in the nuclear industry.

Thomas Docherty (Dunfermline and West Fife) (Lab): Clearly, we would all welcome the clean bill of health for the principle of nuclear operations, but have Scottish Executive Ministers been in contact to object either to the methodology used by Dr Weightman or to his conclusions, and have they objected to the continued operation of Hunterston and Torness power stations?

Chris Huhne: I have interesting and continuing discussions with Scottish Ministers and with the First Minister—who, as we all know, when he was doing another job was one of Britain's most distinguished energy economists: he used to work for the Royal Bank of Scotland. He certainly is very interested in all these subjects. I do not believe that those two power stations have been raised in those discussions, but I have certainly been informed in no uncertain terms by the Government north of the border that they have no intention of allowing new nuclear power stations to be built in Scotland.

Geraint Davies (Swansea West) (Lab/Co-op): Fukushima was an horrendous human disaster owing to the failure of effective flood risk management, with the wave three times the height of the flood defences. Will the Secretary of State therefore give an undertaking to ensure that, in view of climate change, the flood defences in Britain are estimated on the basis of a one-in-400-years event—and also think again about the fact that he is cutting the projected budgets for flood defences? Will he also confirm that the costs involved will be published alongside the increased cost, given that nuclear energy supplies from Germany will be curtailed because the business there is being closed down.

Chris Huhne: The hon. Gentleman raises the point that the hon. Member for Brighton, Pavilion (Caroline Lucas) raised about the adequacy of our flood defences, which is something I am keen to ensure. I can assure him that the flood defences for nuclear power plants, and indeed for our critical electricity infrastructure, are not under the same budget as the budget to which he refers, and that we will continue to ensure that they are proof against extreme weather events.

Jeremy Corbyn (Islington North) (Lab): Nobody wants a nuclear accident; nobody wants a nuclear disaster. Nobody wanted Windscale, Three Mile Island or Chernobyl. Nobody wanted Fukushima, and our hearts go out to the people who are still suffering as a result of it, and will suffer for a long time to come. Is the inescapable truth not that a nuclear power generation system carries with it the most terrible danger, however remote, of a disaster from which it would be very hard to recover, and that it produces nuclear waste, a problem that cannot be solved, only stored? Does the Secretary of State not think that we are heading in the wrong direction by continuing a nuclear programme, and that we should learn from what Germany and other countries are doing by using renewables to a greater extent, and by conserving energy and using less of it?

Chris Huhne: I certainly agree with the hon. Gentleman about the importance of using less energy. The Government are very proud of the fact that we are four-square behind a real emphasis on saving energy, which is one of the four key supports for our energy policy. That can be seen in the Energy Bill, which I hope is about to receive Royal Assent, and will be seen in the green deal next year. However, I disagree with what he says about nuclear power. Unfortunately, there are no energy sources to speak of without potential risks, downsides and detractors, whether we are talking about gas or coal. A substantial number of people worldwide are still killed mining coal every year—far more than have ever been killed as a result of nuclear energy—and there are substantial environmental consequences in parts of the world that do not apply such high standards for emissions from coal burning as we do in Europe.

Mr Speaker: I thank the Secretary of State and colleagues.

Points of Order

4.12 pm

Sadiq Khan (Tooting) (Lab): On a point of order, Mr Speaker. In response to a question I asked earlier this afternoon about provisions relating to individual voter registration, the Deputy Prime Minister said that there had been no change from the current position in relation to the civic duty. However, the individual electoral registration White Paper, published on 30 June, stated quite clearly on page 20, paragraph 63:

> "It is currently an offence to fail to comply with a request for information from an ERO, or to give false information to an ERO…While we strongly encourage people to register to vote the Government believes the act is one of personal choice and as such there should be no compulsion placed on an individual to make an application to register to vote."

It goes on to say that from 2014,

> "it will therefore be a personal choice whether to respond to the ERO's request to complete an IER application form."

I appreciate that the Deputy Prime Minister is a very busy man, but it is quite clear from his answers that he either does not understand his own policy, or has inadvertently misled the House and caused huge confusion. The Government's proposals mean that those who fail to respond to a household enquiry can be prosecuted, but not those who choose to return an individual application form, thereby diminishing the civic duty. I ask you, Mr Speaker, for guidance on how we can persuade the Deputy Prime Minister to clarify his remarks, because the consultation ends this Friday.

Mr Speaker: I am grateful to the right hon. Gentleman for notice of his point of order. He will understand that this is not a matter for the Chair. All hon. and right hon. Members take responsibility for what they say in this House. However, what he has just said will have been heard on the Treasury Bench, and is of course on the record of the proceedings of the House.

Kevin Brennan (Cardiff West) (Lab): On a point of order, Mr Speaker. Yesterday, during the Defence statement, I asked the Secretary of State for Defence whether his officials were, on his instructions, routinely giving out details of his ministerial diary to Adam Werritty. In his reply, the Defence Secretary said:

> "that is not what I said. I was perfectly capable, without officials, of telling any of my friends where I would be, if I wanted to meet up with them."—[*Official Report*, 10 October 2011; Vol. 533, c. 37.]

Now, the report prepared by Ursula Brennan—I should make it clear that there is no relationship between myself and the permanent secretary at the Ministry of Defence—makes it absolutely clear that

> "it has become apparent that the Defence Secretary provided or asked his office to provide some diary details to Adam Werritty".

The Defence Secretary denied ordering his officials to give out his diary, praying in aid the permanent secretary's report, which directly contradicts that claim. Is it no longer the case that what Ministers say in this House has to be true?

Mr Speaker: There is an obligation on all Members to speak the truth in this House, but my response to the hon. Gentleman is very similar to my response to his right hon. Friend the Member for Tooting (Sadiq Khan), who

[Mr Speaker]

spoke from the Front Bench a few moments ago, namely—and in constitutional terms this is very important—that these are not matters for the Chair; all Members are responsible for what they say in this House. The hon. Member for Cardiff West (Kevin Brennan) is, however, a wily campaigner, and in the course of raising his attempted point of order with me he has registered his views firmly on the record. I think that we will leave it there for today.

Co-operative Housing Tenure Bill

Motion for leave to bring in a Bill (Standing Order No. 23)

4.16 pm

Jonathan Reynolds (Stalybridge and Hyde) (Lab/Co-op): I beg to move,

That leave be given to bring in a Bill to make provision that occupiers of dwellings owned by certain forms of co-operatives shall occupy those dwellings by virtue of their membership of the co-operative and not as tenants or under any other type of property interest; to make provision for co-operative tenure and for the respective rights and obligations of the co-operative and its members; and for connected purposes.

There are few members on either side of the House who would not acknowledge that we face something of a housing crisis here in the UK. For people looking to step on to the first rung of the housing ladder, the average price of a property in the UK is now more than £160,000, and for those living in London it is more than £280,000. As a result, a typical first-time buyer now needs to raise a deposit of £52,000, which is without doubt a substantial amount, and most people now have to rely on the "bank of mum and dad" to help them to finance their first home.

Estimates suggest that those who cannot seek financial support from their family will have to save for a deposit until they are 37, and in the coming years that age is expected to rise to 44, meaning that we could have a generation who are on the brink of becoming grandparents before they become homeowners.

Buying a home is tough, with local authorities and housing associations owning 1 million fewer homes than in 1977, but this generation can no longer rely on social housing either. In the private sector rents are increasing more quickly than wages, living standards are hugely variable, tenants often feel that they live at the whim of their landlords, and there is no immediate sign of an improvement.

The slow-down in the construction industry, the low levels of credit and the increases in demand caused by demographic changes will only tighten the squeeze on housing unless more alternatives can be found. It is now harder than ever for our young people to find a home of their own, whether they seek to buy or to rent.

I do not suggest that there is one single solution to this problem, but if we are to address the issue we will need to think differently and creatively in order to come up with solutions, and I propose today that part of that different and creative thinking should be to look beyond the traditional options of ownership or tenancy.

There is a form of housing tenure, used to great success in other countries, which is not yet available here, and that tenure is co-operative housing. My Co-operative Housing Tenure Bill will open the way for co-operative housing schemes, which are not currently acknowledged in the law of this country, and in doing so it will offer a new form of tenure that would bring additional benefits to residents. For example, the Bill would ensure that residents had a real say in the management of their housing scheme. It is a practical measure that would make a real difference to the lives of co-operative members, and through the use of shared ownership as security for finance it could also increase the availability of affordable housing.

As a member of the Co-operative party as well as the Labour party, I am proud to introduce this Bill before the House today, and I acknowledge the support that I have received from the Co-operative party and from David Rogers, at CDS Co-operatives, in preparing it.

Many Members will be familiar with the principles of co-operatives, but for those who may not be, let me briefly explain. A co-operative is a business that is owned and controlled equally by the people who use its services, or by the people who work there. A co-operative housing project is therefore one in which the property is owned collectively by a co-operative of members, and those members, as residents, then democratically own and control the property in which they live. As members, residents have a greater say over the management and maintenance of the scheme than they would as tenants, and co-operative schemes can be developed to enable members to build up financial equity.

In many countries co-operative housing tenure is already recognised as a distinct way for people to acquire the right to occupy their homes. For example, in Sweden, where co-operative housing has existed in law since 1920, 18% of homes are provided in that way.

But here in the UK there is no legal recognition of the unique status of co-operative housing. The law recognises only ownership and tenancy—tenures that date back to feudal times. The Bill would legally acknowledge housing co-operatives in this country for the first time. Of course, co-operative housing schemes exist to some degree already in the UK, but with no specific legal provision they have to be governed by general landlord and tenant law. That means that the arrangements are legally speaking more contractual than co-operative, which presents frequent practical difficulties and limitations on the management and development of the co-operative housing scheme.

For example, if the law were to recognise co-operative tenure, members would be able to determine repair and maintenance obligations democratically. Currently, the law makes that impossible, dictating that a landlord must be wholly responsible. If the law recognised co-operative tenure, members would be able to make their own rules and regulations democratically. Currently those rules would not be legally enforceable because they would not be in the original tenancy agreement. If housing co-operative tenure were recognised in law, members might be able to access finance secured on their stake in the housing complex. Currently the law defines co-operative members as tenants, and makes that impossible.

The Bill that I am presenting today would provide for a modest but important change in the law that would allow real co-operative housing to exist and flourish. In doing so, it would provide a significant boost to investment in housing co-operatives, increasing the supply and quality of homes in this country.

For me, the values that motivate the Bill are deeply rooted in the co-operative and socialist movement, famously begun by the Rochdale pioneers at the end of the 19th century. However, I recognise that the virtues that co-operation promotes—the combination of rights with responsibilities, fraternity, respect and mutualism—have an appeal across the political spectrum. I welcome support from anyone with a serious interest in these matters.

I believe that the Bill would not have significant resource implications or place undue obligations on anyone who was reluctant; however, it would open the door to a form of housing successfully provided to great effect in other countries, and I believe that there is a need and appetite for it in this country. Since tabling the motion to bring in the Bill, I have received a great many messages of support and interest from all parts of the country. The time for co-operative housing is now, and I commend the Bill to the House.

Question put and agreed to.

Ordered,

That Jonathan Reynolds, Mr Andrew Love, Chris Leslie, Chris Evans, David Miliband, Tom Blenkinsop, Luciana Berger, John Woodcock, Mr Gareth Thomas, Gavin Shuker, Mr Adrian Bailey and Alison McGovern present the Bill.

Jonathan Reynolds accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 20 January 2012, and to be printed (Bill 231).

Protection of Freedoms Bill

[2ND ALLOCATED DAY]

Further consideration of Bill, as amended in the Public Bill Committee

New Clause 16

CCTV AND CRIME PREVENTION AND DETECTION

'The Secretary of State must commission a report by Her Majesty's Inspectorate of Constabulary into the use of CCTV by the police and local authorities as a measure for the prevention and detection of crime.'—*(Mr Hanson.)*

Brought up, and read the First time.

4.24 pm

Mr David Hanson (Delyn) (Lab): I beg to move, That the clause be read a Second time.

Mr Speaker: With this it will be convenient to discuss amendment 110, page 20, line 7, clause 29, leave out

'a code of practice containing'.

Amendment 104, page 20, line 9, leave out

'Such a code must contain guidance'

and insert

'The guidance may contain information'.

Amendment 105, page 20, line 12, at end add—

'(c) the importance of using CCTV to prevent and detect crime,

(d) ways to take into account the views of the public in relation to CCTV provision, including the use of public petitions.'.

Amendment 106, page 20, leave out lines 13 to 28.

Amendment 95, page 20, line 13, leave out from 'code' to end of line 24 and insert

'must have, in particular—

(a) regard to the purpose of prevention and detection of crime,

(b) consideration for petitions from the public as consultation on CCTV provision, with any such petition to be brought to the attention of the Commissioner,

(c) not inhibiting CCTV provision for the purpose of preventing and detecting crime, and

(d) consideration as to whether the use of CCTV will prevent and detect crime.'.

Amendment 107, page 20, line 29, leave out 'such a code' and insert 'guidance'.

Government amendment 20.

Amendment 99, page 21, line 14, leave out clause 30.

Amendment 100, page 21, line 35, leave out clause 31.

Amendment 101, page 22, line 22, leave out clause 32.

Amendment 102, page 22, line 30, leave out clause 33.

Amendment 103, page 24, line 5, clause 34, leave out 'code' and insert 'guidance'.

Amendment 96, page 24, line 6, leave out 'code' and insert 'guidance'.

Amendment 97, page 24, line 6, leave out from 'code' to end of line 8.

Amendment 98, page 24, line 30, clause 35, leave out 'code' and insert 'guidance'.

Government amendments 31 and 67.

Mr Hanson: I rise to speak to new clause 16, tabled by my hon. Friends the Members for Eltham (Clive Efford) and for Gedling (Vernon Coaker) and the others listed.

My hon. Friend the Member for Gedling, who originally tabled new clauses and amendments on behalf of the shadow Home Office team, has been promoted to the shadow Cabinet. If you will indulge me, Mr Speaker, I will begin by paying tribute to him for his sterling work in the police field during his time in this brief. Once upon a time, he was the Policing Minister. I succeeded him in government as the Policing Minister, he succeeded me as the shadow Policing Minister in opposition, and I succeed him again as the shadow Policing Minister. Between us, we have several years of service, but not continuously. I wish to place on record my thanks to my hon. Friend for his work in raising what we accept are politically contentious issues at a time when there is real concern about the future direction of policing and there are real differences between the Government and the Opposition. However, I hope I can say, on behalf of the Government as well as the Opposition, that he exercised those duties in a fair and equitable way.

The Parliamentary Under-Secretary of State for the Home Department (James Brokenshire): I, too, put on record, in the nicest possible way, my best wishes to the hon. Member for Gedling (Vernon Coaker). He and I had some frank exchanges over the years, but I certainly mark out the good-natured way in which we were able to reconcile our differences at times, and I welcome him to his new responsibilities.

Mr Hanson: I am grateful for the Minister's support for my comments about my hon. Friend. I assure the Minister that I will try to kick him very hard on some of the political issues, but I hope that we can enjoy a similar relationship to that he had with my predecessor. Having dealt with the hon. Gentleman from the Government side of the Chamber when he was in opposition, I am sure that we will have a positive relationship.

I welcome my hon. Friend the Member for Ashfield (Gloria De Piero), who has joined the shadow team and is graciously supporting me in this debate.

Andrew Miller (Ellesmere Port and Neston) (Lab): She is not the only one.

Mr Hanson: Indeed. I strongly appreciate my hon. Friend's support in dealing with the proposals before the House.

I will move on to the meat of the issue, because that is important for the House. Part 2 of the Bill proposes the introduction of a surveillance code covering the operation of CCTV by public authorities in England and Wales, and the creation of a commissioner to promote compliance with the code. The code will operate as a mechanism of self-regulation and will be set by the Secretary of State. Our new clause and amendments would do several things which we want to explore with the Minister to get a feel for the approach he is taking. These matters were considered heavily in Committee. Perhaps fortunately, on some levels, I was not there, so we may need to revisit some of them today. It is important that we examine the concerns about CCTV; the amendments are designed to get a flavour at least of the Government's thinking and to place on record the Opposition's views.

Labour Members want to ensure that the role of CCTV is strengthened and its importance is recognised. We want to ensure that the code operates in an effective way and does not hamper the development of CCTV. We want to have a presumption in favour of the police being able to set up CCTV in our communities to tackle crime through prevention and through bringing perpetrators to justice. The purpose of new clause 16 is to put in place a review by Her Majesty's inspectorate of constabulary to ensure that we examine, quantify and agree on the definitive benefits of CCTV so that we know exactly the baseline.

Dr Julian Huppert (Cambridge) (LD): I thank the right hon. Gentleman for giving way and welcome him to his post. Shortly before the last general election, I heard a police officer from my region say on TV that his vision was to have CCTV cameras on one in three houses. He said that that would really give us a good eye on what was happening. Is that the sort of vision that the right hon. Gentleman has?

Mr Hanson: I have a vision of CCTV playing a role in stopping crime and catching criminals. Communities in constituencies such as Ashfield and mine in north Wales should have confidence that if a crime is committed, people can be caught using CCTV. It might also have a deterrent effect. We should have a proportionate response with CCTV in appropriate places where police, local authorities and, as we have discussed and will discuss, the private sector feel there is a need to provide such reassurance and support.

Dr Huppert: I apologise if I was not quite clear. Would the right hon. Gentleman be comfortable with seeing CCTV cameras on one in three houses?

Mr Hanson: I would be comfortable with a reduction in crime like that under the previous Labour Government. I think that CCTV plays an important role. I will come on to that in a moment and we will test whether the hon. Gentleman would support the examples that I give.

Keith Vaz (Leicester East) (Lab): I congratulate my right hon. Friend on his elevation, or perhaps I should say on his sideways move to shadow the position he held in government. I want to probe him on why he chose HMIC as the organisation that would monitor this matter under the new clause. In the new landscape, we tend to put a lot of responsibility on HMIC and I wonder whether it has the resources to deal with these additional responsibilities, important though they are.

Mr Hanson: I am grateful to my right hon. Friend for his welcome. One advantage of being in opposition, although there are not many, is that his Select Committee will not scrutinise me and my Department, as they will the Minister. There are occasional silver linings in what are very big clouds.

My right hon. Friend asked a valid question about HMIC. He will know that the new clause was tabled prior to my elevation to this post and that it was my right hon. and hon. Friends who chose HMIC. It is important that HMIC looks at issues of police performance, one of which is the role of CCTV and its effectiveness in fighting crime. There may be other mechanisms to look at that, but I want to hear from the Minister a defence of CCTV. I am already getting a slight sniff that some coalition Members are not so supportive of CCTV.

Dr Huppert *indicated dissent.*

Mr Hanson: I may be doing the hon. Gentleman a disservice, but I did not get the flavour that he was keen on CCTV. I am happy to allow the Liberals to place on the record their full support for CCTV.

Dr Huppert: CCTV clearly has a role, which is why the Bill does not make having it illegal and merely tries to regulate it. CCTV is very useful in some cases. To answer the question that the right hon. Gentleman refused to answer, I am deeply uncomfortable with the idea of having CCTV cameras on one in three houses. I think that that would be a horrible, Big Brother state and it slightly alarms me that he is keen on it.

Mr Hanson: I am grateful to the hon. Gentleman, but he should not put words in other Members' mouths. What I have said is that CCTV should play a role. I do not expect ever to see one in three houses in my street or in his street with CCTV cameras, but there is no strategic need for us to put obstacles in the way of CCTV being put in place if there is a need for it.

Andrew Miller: Will my right hon. Friend give way?

Mr Hanson: I am trying to make progress, but of course I give way.

Andrew Miller: Is it not better to put it slightly differently? Many of our constituents who have suffered nuisance and criminality in their environment come to us and ask, "Why can't we have CCTV?" Should this not be a matter on which we liaise with local communities to ensure that the scope of CCTV meets their needs?

Mr Hanson: As ever, my hon. Friend speaks common sense. Perhaps part of the guidance to be issued in due course could be about such consultation. I have not yet, in nearly 20 years as a Member of this House, had anybody come to me to say, "Mr Hanson, please do not put a CCTV camera in our street."

Dr Huppert: I have.

Mr Hanson: It may happen in Cambridge, but it does not happen in my constituency in north Wales. In fact, most people in my constituency argue for more CCTV cameras, not fewer. I have digressed, but I repeat that new clause 16 asks for HMIC to make a case for the crime fighting capability of CCTV.

The second objective of our amendments is to strip away some of the bureaucracy that we believe could act as an obstacle to the police doing their job of tackling crime and making communities safer. I would welcome the Minister giving his view on why there has been no mention yet of the private sector's role in relation to the further regulation of CCTV.

I hope it will help the hon. Member for Cambridge (Dr Huppert) if I say that only a few hours ago I looked through news from the past week or so about the impact of CCTV in our communities. I pulled off the internet four examples from just the past week of real instances in which CCTV has made a difference. I worry that the code of practice that the Minister is bringing in might well have an impact on the ability of the police or local authorities to provide the necessary level of CCTV coverage.

[Mr Hanson]

I looked first at the *Daily Mail*, which, as my hon. Friends will know, is an august publication that is required reading for Opposition spokesmen on every occasion. It had a headline that read, "Masked bank robber caught on CCTV holding a sawn-off shotgun to bank customer's head". There was a private CCTV camera in the bank, on which the individual was caught, but helpfully for him he had placed on his head a balaclava that covered his face, so he was not recognised. However, the gentleman concerned, a Mr Trevor Hayes, was recognised pulling his balaclava off his head as he walked away from the bank, in Watlington, Oxfordshire, having been caught on a local authority CCTV camera. I should like to discuss the case with the Minister; Mr Hayes is now serving 15 years for the bank robbery, which was caused by his actions but solved by CCTV capturing him on camera. My question to the Minister is whether his code of practice will ultimately lead to less use of CCTV by local authorities.

The Parliamentary Under-Secretary of State for the Home Department (Lynne Featherstone) *indicated dissent.*

Mr Hanson: There is a shaking of a Minister's head, so I hope that will not be the case.

Gareth Johnson (Dartford) (Con): Does the right hon. Gentleman accept that nothing in the Bill is in any way aimed at reducing the amount of CCTV in this country? It is aimed purely at regulating the CCTV that we have.

Mr Hanson: I am grateful to the hon. Gentleman, but what concerns me is that the coalition's programme for government states that it is committed to implementing

> "a full programme of measures to…roll back state intrusion."

As part of that programme, it undertakes to "further regulate CCTV". I am sure he would accept that capturing an individual, who is now serving 15 years, through local authority CCTV on a public highway is not "state intrusion" but a valuable use of CCTV.

That is what I want to test the Minister on. I know that he has discussed the code at length in Committee, and I am sorry that I was not there to share those moments with him. I shall quote the consultation for the benefit of the hon. Member for Dartford (Gareth Johnson). It states that the code will include consideration of

> "whether the proposed installation is part of a developed and integrated strategy…clarity on the main purpose and perceived advantages of the use of the technology

and an

> "assessment of whether…technology will meet that purpose in full…whether there are alternative means of achieving the same outcomes…whether accompanying safeguards (including operating procedures) are already in place or need to be developed"

and

> "impact assessments (including environmental, privacy, disproportionality etc)".

The hon. Member for Cambridge hinted at privacy considerations. All I am saying is that I am worried that the code—as I understand it, the guidance has not been published—could lead to more hoops for local authorities and/or the police to jump through before a camera is in place in, for example, Watlington, Oxfordshire, to capture an armed robber and lead to his conviction. I should like some clarity before we reach a settlement that stops such a criminal being brought to justice.

Keith Vaz: My right hon. Friend was the Policing Minister when the Home Affairs Committee in the previous Parliament published its report on the surveillance society. In that report, the Committee warned of the excessive number of cameras. No one denies that there are areas where there is a demand for such cameras and that proper policing priorities mean that there ought to be cameras on some buildings. However, he must accept that we reached the end of the road with the unlimited use of CCTV all over the country in all circumstances. Surely there must be criteria to judge whether it is needed.

Mr Hanson: There must indeed be such criteria. On behalf of my right hon. and hon. Friends who tabled new clause 16, I am today testing whether those criteria make it more difficult to put CCTV in place now, never mind whether they discourage the further use of CCTV.

Nicola Blackwood (Oxford West and Abingdon) (Con): Does the right hon. Gentleman accept that, in addition to the number of CCTV cameras, it is important to consider their quality? One problem that police come up against is the fact that many CCTV cameras are not turned on or aimed in the right direction, and do not capture the important data that they should capture. Rather than aiding the police in detecting and preventing crime, such cameras do not achieve what they should achieve. Perhaps a regulatory framework would assist rather than hinder the police. A properly framed regulatory framework could improve the situation for CCTV and surveillance in this country rather than create the problems that the right hon. Gentleman seems to imply it might.

Mr Hanson: May I helpfully—I hope—agree with the hon. Lady? I believe that we need strong, quality CCTV cameras. In one estate in my constituency, incidents have been seen by CCTV, but no convictions resulted, because the camera quality was insufficient and the pictures were blurred.

I apologise if these matters were covered in Committee, but it is important that we cover them again. I am just testing my worry with the Minister. The code will include consideration of

> "the appropriateness of permanent or temporary/mobile cameras…cost benefit analysis…consultation with relevant partners…appropriate consultation with the public, or…specific group"

and

> "reviews of the continuing need for, or value of, any system installed."

Those criteria have been set, and my simple question, which I hope answers the point made by the hon. Member for Dartford, is whether those hoops will help to maintain CCTV, or whether they will say to local authorities, "There is cost, time and aggro. Do you really want it?" Residents of a street in Cambridge might say, "We don't want CCTV in our street," but that street might just happen to be the one that Mr Hayes walks down when he takes off his balaclava.

Dr Huppert: The right hon. Gentleman has given a long list of criteria—he has said that CCTV should be proportionate and respect privacy and so forth—but with which of those criteria does he disagree?

Mr Hanson: The Opposition's new clause 16 simply says that we want Her Majesty's inspectorate of constabulary to undertake separately an assessment of the importance of CCTV as part of the crime-fighting capability of the police. That mechanism would say, "We recognise the importance of CCTV." I want a clear statement from the Minister and the Government that CCTV is important and that their proposals will not add to the bureaucracy, time and difficulty of putting CCTV cameras in place.

Let us go back to basics. The Government say that they want to roll back "state intrusion", but I do not believe that capturing a criminal who has just carried out a bank robbery is state intrusion. However, according to the logic of the hon. Member for Cambridge, CCTV cameras are not necessarily a positive thing in those circumstances. His logic is that "state intrusion" and CCTV cameras, used in a wide range of circumstances and covering different streets, might not be a positive thing.

4.45 pm

Jim Shannon (Strangford) (DUP): In Northern Ireland, we have a large expanse of CCTV. In my area, we have them in our town, but there is a demand coming from the general public. The right hon. Gentleman has given one example in which cameras have proved useful. In the town that I represent, the general public want CCTV. It has reduced crime in the town centre by 50%, car theft by 45% and theft of other items by 55%. Clearly, CCTV can deliver and is a sleeping policeman that reduces crime.

Mr Hanson: I am grateful to my hon. Friend—if I can call him that—for his comments. I shall quote from an article last week in the *Batley and Birstall News*:

> "Sgt Chris Hughes from Batley Neighbourhood Policing Team said the cameras were a 'massive plus' for the police. He said: 'CCTV is independent evidence at the end of the day telling us exactly what's going on and whether someone should be charged with an offence or not. CCTV is a massive, massive investigation tool for the police. We rely on it for everything from street crime to terrorist activity and murder.'"

In supporting the new clauses and amendments tabled by my hon. Friends, I simply point out that the coalition agreement states clearly that the Government want to roll back "state intrusion". That sends a signal about a starting place which is not the starting place I am at.

Gareth Johnson: The right hon. Gentleman is right to raise the case he did. I do not think that anyone in the House wants to prevent cameras in that situation from capturing people who rob banks, and I do not think that that is the intention of the Bill. However, we could just as easily identify cases in which public cameras are pointed on private areas. We need to find a way, through regulation, of ensuring that public cameras act as a deterrent and provide safety for the public, but do not intrude on private individuals in their own backyards.

Mr Hanson: I shall try to find some common ground. I do not necessarily think that the public state sector—the police and local authorities, which is what we are dealing with in the Bill—should be training cameras on people's private homes. However, the code of practice refers to

> "appropriate consultation with the public, or any specific group, most directly affected by any planned surveillance".

I shall cite a case in Southampton this week. A local paper reported:

> "A thug who punched two men in separate unprovoked attacks during a drug and booze fuelled night out in Southampton has been locked up. One of Jamal Farooq's victims was left needing surgery on a fractured jaw after being ferociously hit in the face in the apparently random attack… The attack…came shortly after CCTV cameras had caught Farooq, of Orchard Lane, Southampton, approaching and punching an unknown victim in another apparently unprovoked attack."

He was only caught because of CCTV cameras in an area where there were public places as well as private places. He was only convicted because of the CCTV cameras.

Following a match between Luton Town and York last year, the police released CCTV footage to the media in an effort to track down offenders, which led to four convictions of individuals for gross activity and violence at a football match, including for

> "taking brooms, mops, pans…outside a DIY store in Bury Park and throwing them at police."

That happened in a public area where, under these proposals, there might need to be appropriate consultation with the public, which might mean further hoops to jump through. I think that the wider public interest, to which the local authority—elected by the public, let us remember—must have regard, and the police, who will shortly be accountable to police commissioners, can provide sufficient control to manage these issues in a way that does not add hoops. I want the Minister to justify the code to ensure that we are not putting in place something that will roll back what is termed "state intrusion" by the coalition agreement.

Nicola Blackwood: In response to my hon. Friend the Member for Dartford (Gareth Johnson), the right hon. Gentleman gave a number of examples, but I do not think that they accurately characterise the problem between public and private areas. An example of a local authority possibly creating a problem of privacy would be a local school wishing to put CCTV cameras in the children's bathrooms or changing rooms. That could create more problems, which we might want to address in a regulatory way. Similarly, a camera placed on a local authority building might also overlook private housing. Those are the kinds of areas in which the public-private dynamic creates problems, and a regulatory framework would be helpful in resolving them.

Mr Hanson: Those are interesting ideas to test in the debate, but we have not got the guidance. I confess to the Minister that, in the dying days of the Labour Government, my hon. Friend the Member for Tynemouth (Mr Campbell) and I looked at how we might manage this, and we did not reach any conclusions. The key question is: how do we ensure that CCTV in public places is not discriminated against by the hoops that are being set up by the legislation?

[Mr Hanson]

The new clause proposes an independent assessment by the police, through Her Majesty's inspectorate of constabulary, of the importance of CCTV, to ascertain how it contributes to crime fighting and crime prevention, prior to the code and the guidance being produced. We do not want the code and the guidance to militate against the crime-fighting potential of CCTV.

I want to touch briefly on automatic number plate recognition. This is another area in which "state intrusion", in the form of examining number plates, could be discriminated against by the proposals in the Bill. The random examination of number plates is an effective crime-fighting tool. I have seen it at work in my own force in north Wales, when I have sat in the back of vans, both as a Policing Minister and as a constituency MP. A code could, however, fail to acknowledge its importance. I want clarification from the Minister on whether automatic number plate recognition will be seen as the "state intrusion" mentioned in the coalition agreement.

Let me give an example from my constituency. Only recently, Mr Laurence Bernard Levey and Mr Gary Warner were convicted of conspiring to secure the robbery of some £140,000 worth of cash and jewellery from the home of one of my constituents. After a long trail was followed between a jewellery store and a well-known criminal with previous convictions, the conviction was achieved only because automatic number plate recognition cameras were able to prove that a car had been in a certain place at a certain time, which tied in with the mobile phone records of another party who said that those involved had never met. The automatic number plate recognition and the mobile phone records tied those individuals to that place at that time.

The Government could argue that having automatic number plate recognition equipment stationed at certain places at certain times constitutes "state intrusion", because such equipment could capture my car, or those of my hon. Friends the Members for Ashfield and for Ellesmere Port and Neston (Andrew Miller) or my right hon. Friend the Member for Leicester East (Keith Vaz), for example, as we drove past that location, but would that be "state intrusion", or would it simply provide a record, if it were needed, that a certain person had been in a certain place at a certain time? Such undeniable evidence ultimately led to the conviction last week of the two individuals I mentioned: Mr Warner received a sentence of 16 years in prison and Mr Levey one of 10 years. In my view, that "state intrusion" helped to bring justice for my constituent, whose property was stolen by two people who will now have a long time in prison to reflect on the importance of automatic number plate recognition.

I am not alone in saying that; the Local Government Group said in evidence to the Committee that CCTV had been

> "instrumental in bringing criminals to justice including in the Jamie Bulger case, the...bombings in London and the murder of Ben Kinsella,"

and other murders—indeed, CCTV was used in 86 investigations into 90 murders in London in one year. Our starting point is that CCTV is a good tool for the police in tackling crime. I do not want confused and piecemeal legislation that could negatively affect the police's ability to carry out their work. The purpose of our new clause is to ensure that we analyse the police's assessment of CCTV before finalising the code and guidance. New clause 16 reinforces our other amendments in calling for HMIC to commission a report on the use of CCTV by the police and local authorities for the prevention and detection of crime. It strikes me—although I would say this—that in tabling our amendments, my hon. Friends have some eminently sensible points to make. I hope that I have done them justice today.

If the Government are to continue to "roll back state intrusion", they should do so on the basis of the available empirical evidence. We know anecdotally, from what the Local Government Group reported to the Committee, that CCTV is making a positive difference. If there are negative or positive repercussions once the voluntary code has kicked in, policy decisions can then be made on the best information available. We know that automatic number plate recognition helps to bring individuals to justice. Some 20,592 individuals have been brought to justice through automatic number plate recognition in the last couple of years alone, including about 52,000 for vehicle document-related offences—no road tax, for example—and about 41,000 vehicles have been seized for lacking insurance.

Will the Minister clarify the parameters of "rolling back state intrusion"? Would it be state intrusion to install an automatic number plate recognition camera at the end of a residential street in an area with a high level of burglaries, for example, or on a main road used every day by people driving to work or to the shops? Having looked at the provisions of the code—only in the last couple of days, I accept—and having seen what my hon. Friends said in Committee and the Government's general starting point, I worry that the Bill's proposals on working towards guidance and the code will restrict the use of CCTV and make organisations such as the police and local authorities think even harder before they use it, thereby leading to an increase in crime.

In passing, I ask the Minister to reflect on something that surprised me when I examined the Bill afresh today. Why does it cover police and local authorities? The vast majority of CCTV cameras are in the hands of private individuals or organisations, so why are they not to be covered by the proposed code of practice? It strikes me that some thought should be given to that as part of the overall strategy. In the first example that I gave today—Mr Hayes committing a bank robbery—the first CCTV picture in the *Daily Mail* was taken from in the bank, and the second, which was used to convict him, was taken from a camera in the street, yet the proposals in the Bill appear to treat each set of CCTV cameras differently. I would welcome an explanation of that from the Minister.

Finally, let me quote colleagues who gave written evidence to the Public Bill Committee. The Information Commissioner said:

> "There is also widespread use of CCTV and ANPR...across all sectors including government agencies".

He thinks that

> "further thought should be given to the implications of limiting the application of the code to the police and local government only,"

which indicates the kind of thinking about the private sector generally that I just mentioned. The chief surveillance commissioner said in evidence to the Committee that there is ill informed and wrong criticism of local authorities in relation to covert surveillance, which is the issue that the hon. Member for Cambridge and others raised. Again, I would welcome a response from the Minister on that. The Local Government Group has been

> "keen to ensure that CCTV regulation does not overburden councils and we believe that the new Code of Practice for surveillance camera systems could be a useful resource if it is genuinely a single source of guidance... We are concerned however that new data burdens are not placed on councils, and are also concerned at the potential for confusion from having both the Surveillance Camera Commissioner and Information Commissioner regulating CCTV."

There is a range of issues there.

5 pm

In summary, the new clause is saying, "Let's have an assessment before going down this much more detailed road. Let's look at what the police and local authorities need to do to ensure that we have CCTV that meets our objectives of catching criminals, supporting the reduction of crime and increasing confidence." The genuine concerns of Members about how CCTV is used should also be met. My worry is, albeit without having seen the guidance in detail, that the code as drafted will put off local authorities and the police using CCTV. Ultimately, that will potentially lead to a rise in crime. I commend new clause 16 and look forward to hearing the Minister's response.

James Brokenshire: I welcome the right hon. Gentleman to his new role. I know he dealt with CCTV issues during his time as Policing Minister, so I recognise that he was examining regulation during his time at the Home Office. He acknowledge some of the challenges and issues surrounding CCTV and its use, and the need to continue to command public confidence so that CCTV can achieve the results we want, which are to protect the public and ensure that those who commit crimes are brought to justice.

The right hon. Gentleman may be reassured about the Government's approach—I acknowledge that he has not been in his position very long, so he might not have had the opportunity to read the consultation document on the code of practice—if I quote what the consultation document says at the outset:

> "We do not intend therefore, that anything in our proposals should hamper the ability of the law enforcement agencies or any other organisation, to use such technology as necessary to prevent or detect crime, or otherwise help to ensure the safety and security of individuals. What is important is that such use is reasonable, justifiable and transparent so that citizens in turn, feel properly informed about, and able to support, the security measures that are in place."

It is that context of ensuring trust and confidence and moving forward on that basis that will allow us to ensure that CCTV is able to fulfil the important purposes he mentioned.

In the aftermath of the disorder in August, I went to see the Metropolitan police CCTV centre. I was struck by what I saw of the work undertaken there to identify the criminals who had been engaged in looting and other disorder in our communities, and I saw how the work was followed through to ensure that those responsible were brought to justice. The Government recognise the important role that CCTV can play.

From the way the right hon. Gentleman introduced the new clause and amendments, I gained a sense that he felt slightly uncomfortable about some of the provisions. I understand his desire to probe and to go back over some of the debates we had in Committee, and I accept that he might not have had the opportunity to review and reflect on the Committee reports, but I can tell him that a number of the issues he has brought to our attention this afternoon were considered in detail in Committee.

The right hon. Gentleman asked why, at this stage, the code of practice is to apply only to public authorities and the police. We want to take a measured approach: we want incremental change rather than a sudden significant shift, in order not to undermine the purposes of CCTV that he has identified. We want to provide a regulatory framework that allows CCTV to operate and to achieve the desired result of ensuring that the public have trust and confidence in the system.

Mr David Hamilton (Midlothian) (Lab): In 15 years of being a political animal—I was a councillor before I came here—the only complaints that I have received about CCTV have related to private use. As the hon. Member for Oxford West and Abingdon (Nicola Blackwood) pointed out, there can be knock-on effects for next-door neighbours. I think that the Government are doing this the wrong way round: they should try to regulate use by the private sector and private residents before trying to deal with the public sector.

James Brokenshire: There is a potential issue of trust and confidence in the public sector as well. In a review of Project Champion, which involved the use of CCTV cameras in Birmingham, Sara Thornton, chief constable of Thames Valley police, wrote:

> "In the course of this review I have met members of the community and have read the press reports and it is clear that many people feel that their civil liberties have been disregarded. As a consequence, the trust and confidence that they have in the police has been significantly undermined."

Our code of practice is intended to provide a framework that would initially apply to public sector CCTV cameras, but could be adopted by the private sector to raise standards more generally. The Bill provides for an extension of its ambit or remit in due course, if that proves necessary. I believe that that proportionate approach is the right way to address this important issue.

Keith Vaz *rose—*

James Brokenshire: I will give way to the Chairman of the Home Affairs Committee, because I clearly remember our debate in Westminster Hall about the surveillance state and his Committee's earlier consideration of the issue. I well understand the importance that he attaches to the subject.

Keith Vaz: My right hon. Friend the Member for Delyn (Mr Hanson) referred to the statement made by the coalition. The last time the Select Committee considered this issue, we noted that there were 1.85 million cameras in existence, but the number has probably risen since

[Keith Vaz]

then. Do the Government have a target for the number of cameras, or will a different criterion be used? We keep hearing about how their use will be rolled back, but we are keen to know how many will be rolled away.

James Brokenshire: It is not a simple question of numbers, but a question of people's trust and confidence in the use of CCTV in their neighbourhoods and communities. That is the relevant factor and it is reflected in the approach that we adopted in the consultation, whose findings we have published and the responses to which we are now examining. It is a question of whether the public trust what is there. We want CCTV to be seen as a positive benefit that will aid security.

Several years ago, a report by the Home Affairs Committee articulated very well the concerns expressed by, for instance, the Information Commissioner about

> "sleepwalking into a surveillance society".

It was felt that the system had grown up over the years without a proper regulatory framework, but of course there are provisions relating to the Data Protection Act and the information published by the Information Commissioner himself. We want to bring those elements together to create clear guidance and a regulatory framework to which public authorities and the police must have regard, to ensure that that trust and confidence exist.

We must also look at value for money and effectiveness. As the right hon. Gentleman says, there are a lot of CCTV cameras. We must ensure that they are harnessed and used as effectively as possible and that standards are applied. The interim CCTV regulator appointed under the previous Government has focused on that and taken the standards issue further. It is on that basis that we need to look at regulation and trust and confidence, as well as how we can ensure cameras are used more effectively in the fight against crime.

Tom Blenkinsop (Middlesbrough South and East Cleveland) (Lab): The code of practice says that only local authorities and police forces

> "will be required to have regard to the code in their use of surveillance camera systems".

Will private sector retail cameras also be covered? They might intrude on public spaces. What might be the implications for the use of such cameras in relation to incidents such as the recent riots in London, Birmingham and the cities of the north?

James Brokenshire: At this stage, we take the view that public sector cameras in the purest sense—those of local authorities and police—should be covered, but we intend that any standards set may be rolled out further in due course and that other providers of CCTV services should consider the code of practice and perhaps adhere to it on a voluntary basis. That is why I have referred to the process being incremental. We want the introduction of regulation to be handled in a measured way, in order to avoid some of the negative consequences to which the shadow Minister alluded and to ensure that CCTV provides protection and assurance to the public.

It is worth highlighting that we have undertaken a public consultation, which has now been completed, to garner feedback from all the different stakeholders. I might point to the evidence given in Committee by Deputy Chief Constable Graeme Gerrard, who is the Association of Chief Police Officers lead on CCTV. He talked about the work the previous Government did in 2007 on producing a national CCTV strategy, and emphasised that that addressed

> "standards around images, the retention period for images, the quality of images and ensuring that systems are fit for purpose. We also requested some sort of framework for regulation and a sort of oversight body for CCTV."

He added:

> "So in principle, we are supportive of what is being suggested."—[*Official Report, Protection of Freedoms Public Bill Committee,* 22 March 2011; c. 16, Q34.]

The House should be aware that there has not been a headlong rush to try to undermine CCTV and its benefits. Rather, we have tried to ensure trust and confidence in its use, both now and in the future, by providing a regulatory framework that gives the protections that many of our constituents have lobbied us about. This is not a kneejerk reaction or an attempt to get rid of lots of CCTV cameras. It is an attempt to give confidence in the use of CCTV cameras, reflecting on initiatives such as Project Champion, by putting in place a regulatory framework.

Let me deal briefly with the amendments in the name of my right hon. Friend the Home Secretary. Amendment 20 is a response to a similar amendment tabled in Committee by the hon. Member for Gedling (Vernon Coaker). Clause 29(6) defines surveillance camera systems for the purposes of chapter 1 of part 2 of the Bill. In addition to CCTV and automatic number plate recognition systems, the definition includes

> "any other systems for recording or viewing visual images of objects or events for surveillance purposes".

The hon. Gentleman questioned the need for the reference to "objects or events". Having considered the issue further, I am satisfied that nothing hangs on these words, and that, as he suggested, they are more likely to confuse than enlighten. Our amendment therefore simply removes the offending words.

Amendments 31 and 67 simply debar the surveillance camera commissioner from also serving as a Member of the House by adding the office to the list in schedule 1 to the House of Commons Disqualification Act 1975.

In essence, the Opposition amendments seek to replace the proposed surveillance camera code of practice with guidance that will simply provide information about how CCTV can prevent and detect crime. Moreover, they would remove any form of parliamentary scrutiny, and they would remove the duty on the police, police and crime commissioners and local authorities to have regard to the code, and on the surveillance camera commissioner to provide advice about the code, including on changes to it. Taken together, the amendments would remove the code of practice and the framework that we believe is important in order to deliver on those issues that I have highlighted, such as giving trust and confidence to communities about how CCTV is being operated. That is why we do not believe that the amendments are necessary, and I hope that, on reflection, the right hon. Member for Delyn (Mr Hanson) will consider the measured and proportionate approach that the Government are taking and will feel minded not to press his amendments to a vote.

Tom Blenkinsop *rose—*

James Brokenshire: Before I sit down, I shall give way one last time.

5.15 pm

Tom Blenkinsop: I thank the Minister for being very generous with his time. I just wanted to ask about the use of mobile CCTV cameras by police forces for crowd control purposes, particularly outside football grounds. Fortunately, parties on both sides of the House have introduced legislation and given powers to the police to reduce the amount of hooliganism. What will be the implications of the Bill for mobile CCTV usage by police to reduce crowd hooliganism, in any sport?

James Brokenshire: It will depend on the nature of the CCTV use—whether it is covert or overt, and whether, if it is covert, it falls within the separate regime under the Regulation of Investigatory Powers Act 2000. The code could apply to overt CCTV but, as I have highlighted this afternoon, the actions we are taking are not intended to diminish the effectiveness of the police. From my visit to the football policing unit, I recognise how CCTV and video camera evidence can be very powerful tools in dealing with football hooliganism and those who shame the legitimate football supporters who are proud to support their clubs. I recognise the importance of putting our focus on football policing and how CCTV can play an important role. Given my comments, I hope that the right hon. Member for Delyn will not press the Opposition amendments to a vote.

Keith Vaz: May I begin by congratulating my right hon. Friend the Member for Delyn (Mr Hanson) on assuming the position of shadow police Minister? We remember his many contributions over the past few years as the police Minister in the Labour Government. May I also congratulate my hon. Friend the Member for Ashfield (Gloria De Piero) on joining our home affairs Front-Bench team? I had the pleasure of interviewing her when she came before the national executive committee of the Labour party as a candidate. Although I thought that she was an outstanding candidate and that she would have a glittering career, not even I could have predicted that within 18 months of her election she would be sitting on the Front Bench speaking on behalf of the Opposition on home affairs.

I do not think that there is a lot that divides the two Front-Bench teams on this issue. Although my right hon. Friend is trying to make a great divide between the Government and the Opposition, I heard nothing in the Minister's speech to suggest that there is going to be a bonfire of cameras. Members on both sides of the House accept that there will always be circumstances in which cameras are necessary and desirable.

This country has 1.85 million of these cameras, one for every 32 citizens. When the Select Committee on Home Affairs in the previous Parliament produced a weighty report on the surveillance society, we were concerned that the country was, in the words of the commissioner,

> "sleepwalking into a surveillance society".

When considering this subject it is important that we balance what our constituents want with the general civil liberties issues. Cases of this kind always involve a balance. When we ask constituents, they say that they want more and more CCTV cameras. The hon. Member for Strangford (Jim Shannon) talked about his constituents in Northern Ireland. The shadow Minister talked about Mr Hayes and his balaclava, and he will obviously be one of the great features of this debate. I can talk about my constituents in the Northfields estate, as every time I go to a public meeting in that estate they want cameras put up because they feel that that is the only way to reduce crime. That must apply to every Member of this House: local residents feel that one of the best ways of catching criminals is for CCTV cameras to be put up in the neighbourhood.

The problem for local authorities and the police is to ensure that there is a balance. There cannot be a CCTV camera everywhere that people want one. They must be fit for purpose and they must contain film because, as we heard from the hon. Member for Oxford West and Abingdon (Nicola Blackwood), in some cases the cameras do not work. Criminals will not necessarily be put off when they see a camera that does not move. In this Chamber, every time somebody moves from one position to another, the cameras move their little heads and follow the Members as they speak. It is very important that cameras are fit for purpose. When they are put up—especially when new cameras are erected—they must pass a test: do they benefit the local community and will they result in criminals being caught? If they are merely being put up for the sake of it, are they necessary? That is the test that we must all follow.

I was glad to hear from the Minister that he is interested in regulation and that there is a desire for a code of practice. I was also glad to hear that from the shadow Minister, although I was concerned by his proposal that the body that monitors the code should be HMIC. In his modest and boyish way, he said that he did not write the amendment, so he was not necessarily 100% clear as to why that body was the HMIC, but there is a danger in placing too much on the shoulders of the HMIC and poor old Sir Denis O'Connor and his fellow inspectors. I think there are only about a dozen of them in total, with one vacancy now that Mr Hogan-Howe is the new commissioner. We should be wary of placing more responsibilities on organisations. The decision was made before my right hon. Friend took office, so to speak, and we do not know why the HMIC is given that role, but I take his point that an organisation needs to monitor what is going on.

We must be very clear that we have probably reached our limit as far as cameras are concerned. With millions of cameras in this country and a large amount of personal information being gathered about individuals, we should be cautious.

Gareth Johnson: Does the right hon. Gentleman accept that an additional challenge is the fact that technology in this area will not stand still? In the future, we will potentially see various technologies such as face recognition systems and even CCTV that can listen in on private conversations. If we want CCTV systems to maintain public confidence, we need a code of practice and some regulation that will ensure that they are not misused by public services.

Keith Vaz: The hon. Gentleman is absolutely right. Of course, we all have our own technology—I see that the hon. Member for Cambridge (Dr Huppert) is in his

[Keith Vaz]

place and he is the Committee's expert in tweeting and new technologies, whereas I am still a dinosaur—and within seconds of an event taking place, people will capture it on their cameras, they will e-mail it and it will be on YouTube. Such technology is available all around us and it might not be as necessary to have a fixed camera to capture what is happening locally as it was 10 years ago. Mr Hayes and his balaclava could have been caught by somebody else walking around at that time. We should not necessarily rely on fixed cameras.

The report by the Home Affairs Committee in the previous Parliament was concerned with the need for a report to be placed annually before the House by the Information Commissioner. We did not necessarily feel that local police forces were incapable of producing reports to their local police authorities or to their police commissioner if and when they are elected next November, but the fact remains that we felt that a report should be placed before the House and properly debated so that we know the precise situation. That is very important.

There seems to be an attempt by those on the Front Bench to pick a bit of a fight on this issue, but I think this is just the shadow Minister getting back into the groove in the Home Office team. There really is not very much between those on the two Front Benches on this issue. Probably we are all saying, "We've got enough cameras. We probably don't need any more in vast numbers. But those that are there need to be monitored carefully."

I talked about the cameras in this Chamber. Your office, Mr Deputy Speaker, is in the House. My office is in Norman Shaw North, and since 1 January this year, 25 laptops have been taken from the desks of right hon. and hon. Members there. I would be delighted, as I am sure would fellow Members who reside there, if we had CCTV cameras in the corridors so that we could find out who it is who has security clearance, with a pass, who can get into a building that was the old Scotland Yard, walk through the offices of 25 Members and take their laptops away. My first reaction, as someone who is concerned about the surveillance society, was "When can we get some cameras?" I was astonished that we do not even have sufficient cameras in the car park at Norman Shaw North. If we had a residents meeting in Norman Shaw North, or our own neighbourhood watch meeting there, we would be demanding these things. If we demand them, others would too, but we must be careful and cautious, because they must be fit for purpose and serve the purpose for which they were intended.

Graham Evans (Weaver Vale) (Con): The right hon. Gentleman makes an interesting point. Are we not substituting the responsibility of parents for their children? When I was growing up as a wee lad, if I misbehaved on my estate—

Mr Deputy Speaker (Mr Nigel Evans): Order. We had better move on from internal security, which should not be discussed on the Floor of the House.

Keith Vaz: We will talk about this later. What the hon. Gentleman did as a wee lad sounds like a fascinating story.

Back to the point. Let us have a proper debate about this. Let us not let down our constituents, who want to see proper mechanisms for dealing with crime, but let us have in place a proper code that will be looked at carefully, and an organisation or individual to monitor what is going on.

Dr Huppert: I will try to be brief as we do not have much time left. It is a great pleasure to follow the Chairman of the Home Affairs Committee, particularly after he so politely managed to demolish the argument made by the shadow Minister. I congratulate him on the elegance with which he did that. The right hon. Member for Delyn (Mr Hanson), at least as he described it, seems to live in a slightly bizarre world where CCTV is either all a good thing or all a bad thing, and that people should either support all of it or none of it. He talked having no obstacles to more CCTV. That is the kind of thinking that has led to us having a huge number of CCTV cameras. I hesitate to admit that I have slightly different figures from my Chair. I have seen the figure of something like 4 million CCTV cameras. However, it is a huge proportion.

Keith Vaz: The hon. Gentleman's figures are probably much more up to date. I was quoting the figures in the Home Affairs Committee report from three years ago.

Dr Huppert: I thank the right hon. Gentleman for the correction.

That is one camera for every 14 people in this country. Let us compare that with other countries that also have interests in law enforcement. Chicago, with a population of 3 million, has something like 10,000 cameras. That is a 20th of what we have. Do we know something that they do not? Across the United States, they use fewer cameras.

The truth about CCTV is that it is not an all-or-none issue. It has its uses and its abuses, which is why we need this code of practice. It has its costs for running and monitoring the systems and it has privacy implications, which is why I absolutely support the Government's proposals. I hope that the right hon. Member for Delyn will withdraw the new clause.

Mr Hanson: Time is pressing because of the programme motion, which we opposed. Rather than explain why I shall support the new clause and why I ask my hon. Friends to support it, I will simply press it to a Division.

5.30 pm

Debate interrupted (Programme Order, 10 October).

The Deputy Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83E), That the clause be read a Second time.

The House divided: Ayes 229, Noes 319.

Division No. 359] **[5.30 pm**

AYES

Abrahams, Debbie
Ainsworth, rh Mr Bob
Alexander, rh Mr Douglas
Alexander, Heidi
Allen, Mr Graham
Anderson, Mr David
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bain, Mr William
Balls, rh Ed
Banks, Gordon
Barron, rh Mr Kevin
Bayley, Hugh
Beckett, rh Margaret
Begg, Dame Anne
Bell, Sir Stuart
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive

Blackman-Woods, Roberta
Blenkinsop, Tom
Blomfield, Paul
Bradshaw, rh Mr Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr Nicholas
Brown, Mr Russell
Bryant, Chris
Buck, Ms Karen
Burden, Richard
Byrne, rh Mr Liam
Campbell, Mr Alan
Campbell, Mr Gregory
Campbell, Mr Ronnie
Chapman, Mrs Jenny
Clark, Katy
Clarke, rh Mr Tom
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cunningham, Alex
Cunningham, Mr Jim
Cunningham, Tony
Curran, Margaret
Dakin, Nic
Danczuk, Simon
Darling, rh Mr Alistair
David, Mr Wayne
Davidson, Mr Ian
Davies, Geraint
De Piero, Gloria
Denham, rh Mr John
Dobbin, Jim
Dobson, rh Frank
Docherty, Thomas
Dodds, rh Mr Nigel
Donohoe, Mr Brian H.
Dowd, Jim
Doyle, Gemma
Dromey, Jack
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Elliott, Julie
Ellman, Mrs Louise
Esterson, Bill
Evans, Chris
Field, rh Mr Frank
Fitzpatrick, Jim
Flello, Robert
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Francis, Dr Hywel
Gapes, Mike
Gardiner, Barry
Gilmore, Sheila
Glass, Pat
Glindon, Mrs Mary
Godsiff, Mr Roger
Goggins, rh Paul
Goodman, Helen
Greatrex, Tom
Green, Kate
Griffith, Nia
Gwynne, Andrew
Hain, rh Mr Peter
Hamilton, Fabian
Hanson, rh Mr David
Harman, rh Ms Harriet
Harris, Mr Tom
Havard, Mr Dai
Healey, rh John
Hendrick, Mark
Hepburn, Mr Stephen
Hillier, Meg
Hilling, Julie
Hodge, rh Margaret
Hood, Mr Jim
Hopkins, Kelvin
Hunt, Tristram
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs Siân C.
Jamieson, Cathy
Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Graham
Jones, Helen
Jones, Mr Kevan
Jones, Susan Elan
Joyce, Eric
Kaufman, rh Sir Gerald
Kendall, Liz
Khan, rh Sadiq
Lazarowicz, Mark
Leslie, Chris
Lewis, Mr Ivan
Llwyd, rh Mr Elfyn
Love, Mr Andrew
Lucas, Caroline
Lucas, Ian
MacShane, rh Mr Denis
Mactaggart, Fiona
Mahmood, Mr Khalid
Mahmood, Shabana
Mann, John
Marsden, Mr Gordon
McCabe, Steve
McCann, Mr Michael
McCarthy, Kerry
McClymont, Gregg
McCrea, Dr William
McFadden, rh Mr Pat
McGovern, Alison
McGovern, Jim
McGuire, rh Mrs Anne
McKechin, Ann
McKenzie, Mr Iain
McKinnell, Catherine
Meacher, rh Mr Michael
Mearns, Ian
Michael, rh Alun
Miller, Andrew
Mitchell, Austin
Moon, Mrs Madeleine
Morden, Jessica
Morrice, Graeme *(Livingston)*
Morris, Grahame M. *(Easington)*
Mudie, Mr George
Munn, Meg
Murphy, rh Paul
Murray, Ian
Nandy, Lisa
Nash, Pamela
O'Donnell, Fiona
Onwurah, Chi
Osborne, Sandra
Owen, Albert
Paisley, Ian
Pearce, Teresa
Perkins, Toby
Pound, Stephen
Qureshi, Yasmin
Raynsford, rh Mr Nick
Reed, Mr Jamie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Riordan, Mrs Linda
Ritchie, Ms Margaret
Robertson, John
Robinson, Mr Geoffrey
Rotheram, Steve
Roy, Mr Frank
Roy, Lindsay
Ruane, Chris
Sarwar, Anas
Seabeck, Alison
Shannon, Jim
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheridan, Jim
Shuker, Gavin
Simpson, David
Skinner, Mr Dennis
Slaughter, Mr Andy
Smith, rh Mr Andrew
Smith, Angela
Smith, Nick
Smith, Owen
Spellar, rh Mr John
Straw, rh Mr Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr Gerry
Tami, Mark
Thomas, Mr Gareth
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, Valerie
Walley, Joan
Watson, Mr Tom
Watts, Mr Dave
Whitehead, Dr Alan
Wicks, rh Malcolm
Williams, Hywel
Wilson, Sammy
Winterton, rh Ms Rosie
Woodcock, John
Wright, David
Wright, Mr Iain

Tellers for the Ayes:
Phil Wilson and
Mr David Hamilton

NOES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Alexander, rh Danny
Amess, Mr David
Andrew, Stuart
Arbuthnot, rh Mr James
Bacon, Mr Richard
Baker, Norman
Baker, Steve
Baldry, Tony
Barclay, Stephen
Barker, Gregory
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Beith, rh Sir Alan
Bellingham, Mr Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Bingham, Andrew
Binley, Mr Brian
Birtwistle, Gordon
Blackwood, Nicola
Blunt, Mr Crispin
Boles, Nick
Bone, Mr Peter
Bottomley, Sir Peter
Bradley, Karen
Brady, Mr Graham
Brake, rh Tom
Bray, Angie
Brazier, Mr Julian
Brine, Mr Steve
Brokenshire, James
Brooke, Annette
Browne, Mr Jeremy
Bruce, Fiona
Bruce, rh Malcolm
Buckland, Mr Robert
Burley, Mr Aidan
Burns, Conor
Burns, rh Mr Simon
Burrowes, Mr David
Burstow, Paul
Burt, Alistair
Burt, Lorely
Byles, Dan
Cable, rh Vince
Cairns, Alun
Campbell, rh Sir Menzies
Carmichael, rh Mr Alistair
Carmichael, Neil
Carswell, Mr Douglas
Cash, Mr William
Chishti, Rehman
Chope, Mr Christopher
Clappison, Mr James
Clark, rh Greg
Clarke, rh Mr Kenneth
Clegg, rh Mr Nick
Clifton-Brown, Geoffrey
Colvile, Oliver
Cox, Mr Geoffrey
Crabb, Stephen
Crockart, Mike
Crouch, Tracey

Davey, Mr Edward
Davies, David T. C.
(Monmouth)
Davies, Glyn
Davis, rh Mr David
de Bois, Nick
Dinenage, Caroline
Djanogly, Mr Jonathan
Dorrell, rh Mr Stephen
Dorries, Nadine
Doyle-Price, Jackie
Drax, Richard
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Jonathan
Evennett, Mr David
Fabricant, Michael
Fallon, Michael
Farron, Tim
Featherstone, Lynne
Field, Mr Mark
Foster, rh Mr Don
Fox, rh Dr Liam
Francois, rh Mr Mark
Freer, Mike
Fullbrook, Lorraine
Fuller, Richard
Gale, Mr Roger
Garnier, Mark
Gauke, Mr David
George, Andrew
Gibb, Mr Nick
Gilbert, Stephen
Gillan, rh Mrs Cheryl
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, Mr James
Grayling, rh Chris
Green, Damian
Greening, Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, Ben
Gyimah, Mr Sam
Halfon, Robert
Hames, Duncan
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, Matthew
Hands, Greg
Harper, Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Harvey, Nick
Haselhurst, rh Sir Alan
Hayes, Mr John
Heald, Oliver
Heath, Mr David
Heaton-Harris, Chris
Hemming, John
Henderson, Gordon
Hendry, Charles
Herbert, rh Nick
Hinds, Damian
Hoban, Mr Mark
Hollingbery, George
Hollobone, Mr Philip
Holloway, Mr Adam
Hopkins, Kris
Horwood, Martin
Howarth, Mr Gerald
Howell, John
Hughes, rh Simon
Huhne, rh Chris
Huppert, Dr Julian
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margot
Javid, Sajid
Jenkin, Mr Bernard
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Kelly, Chris
Kirby, Simon
Knight, rh Mr Greg
Kwarteng, Kwasi
Laing, Mrs Eleanor
Latham, Pauline
Laws, rh Mr David
Leadsom, Andrea
Lee, Jessica
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Mr Edward
Leslie, Charlotte
Lewis, Brandon
Lewis, Dr Julian
Liddell-Grainger, Mr Ian
Lilley, rh Mr Peter
Lloyd, Stephen
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Luff, Peter
Macleod, Mary
Main, Mrs Anne
May, rh Mrs Theresa
Maynard, Paul
McCartney, Jason
McCartney, Karl
McDonnell, John
McIntosh, Miss Anne
McLoughlin, rh Mr Patrick
McPartland, Stephen
McVey, Esther
Mensch, Louise
Menzies, Mark
Mercer, Patrick
Metcalfe, Stephen
Miller, Maria
Mills, Nigel
Milton, Anne
Moore, rh Michael
Morgan, Nicky
Morris, Anne Marie
Morris, James
Mosley, Stephen
Mowat, David
Mulholland, Greg
Munt, Tessa
Murray, Sheryll
Murrison, Dr Andrew
Neill, Robert
Newmark, Mr Brooks
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
O'Brien, Mr Stephen
Offord, Mr Matthew
Ollerenshaw, Eric
Opperman, Guy
Ottaway, Richard
Paice, rh Mr James
Parish, Neil
Paterson, rh Mr Owen
Pawsey, Mark
Penning, Mike
Penrose, John
Percy, Andrew
Phillips, Stephen
Pickles, rh Mr Eric
Pincher, Christopher
Poulter, Dr Daniel
Prisk, Mr Mark
Pugh, John
Raab, Mr Dominic
Redwood, rh Mr John
Rees-Mogg, Jacob
Reevell, Simon
Reid, Mr Alan
Rifkind, rh Sir Malcolm
Robathan, rh Mr Andrew
Robertson, Mr Laurence
Rogerson, Dan
Rosindell, Andrew
Rudd, Amber
Ruffley, Mr David
Russell, Bob
Rutley, David
Sandys, Laura
Scott, Mr Lee
Selous, Andrew
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simmonds, Mark
Simpson, Mr Keith
Skidmore, Chris
Smith, Miss Chloe
Smith, Henry
Smith, Julian
Smith, Sir Robert
Soames, rh Nicholas
Soubry, Anna
Spelman, rh Mrs Caroline
Spencer, Mr Mark
Stanley, rh Sir John
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, Mel
Stuart, Mr Graham
Sturdy, Julian
Swayne, rh Mr Desmond
Swinson, Jo
Swire, rh Mr Hugo
Syms, Mr Robert
Tapsell, rh Sir Peter
Thurso, John
Timpson, Mr Edward
Tomlinson, Justin
Truss, Elizabeth
Turner, Mr Andrew
Tyrie, Mr Andrew
Uppal, Paul
Vaizey, Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, Mr Ben
Walter, Mr Robert
Ward, Mr David
Watkinson, Angela
Weatherley, Mike
Webb, Steve
Wharton, James
Wheeler, Heather
White, Chris
Whittaker, Craig
Wiggin, Bill
Williams, Mr Mark
Williams, Roger
Williams, Stephen
Williamson, Gavin
Willott, Jenny
Wilson, Mr Rob
Wollaston, Dr Sarah
Wright, Jeremy
Wright, Simon
Yeo, Mr Tim
Young, rh Sir George
Zahawi, Nadhim

Tellers for the Noes:
Norman Lamb and
James Duddridge

Question accordingly negatived.

The Deputy Speaker then put forthwith the Question necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

Clause 29

CODE OF PRACTICE FOR SURVEILLANCE CAMERA SYSTEMS

Amendment made: 20, page 21, line 1, leave out 'of objects or events'.—*(James Brokenshire.)*

New Clause 12

TAX IN CONNECTION WITH TRANSFER SCHEMES

'(1) The Treasury may by order make provision varying the way in which a relevant tax has effect in relation to—

- (a) anything transferred under a transfer scheme, or
- (b) anything done for the purposes of, or in relation to, a transfer under a transfer scheme.

(2) The provision which may be made under subsection (1)(a) includes, in particular, provision for—

- (a) a tax provision not to apply, or to apply with modifications, in relation to anything transferred,
- (b) anything transferred to be treated in a specified way for the purposes of a tax provision,
- (c) the Secretary of State to be required or permitted to determine, or specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to anything transferred.

(3) The provision which may be made under subsection (1)(b) includes, in particular, provision for—

- (a) a tax provision not to apply, or to apply with modifications, in relation to anything done for the purposes of, or in relation to, the transfer,
- (b) anything done for the purposes of, or in relation to, the transfer to have or not have a specified consequence or be treated in a specified way,
- (c) the Secretary of State to be required or permitted to determine, or specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to anything done for the purposes of, or in relation to, the transfer.

(4) The power to make an order under this section—

- (a) is exercisable by statutory instrument,
- (b) includes power to make consequential, supplementary, incidental, transitional, transitory or saving provision,
- (c) may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an enactment (whenever passed or made).

(5) A statutory instrument containing an order under this section is subject to annulment in pursuance of a resolution of the House of Commons.

(6) In this section—

"enactment" includes an Act of the Scottish Parliament, a Measure or Act of the National Assembly for Wales and Northern Ireland legislation,

"relevant tax" means income tax, corporation tax, capital gains tax, stamp duty, stamp duty reserve tax or stamp duty land tax,

"tax provision" means any provision—

- (a) about a relevant tax, and
- (b) made by or under an enactment,

"transfer scheme" means a transfer scheme under section 87,

and references to the transfer of property include the grant of a lease.'.—*(Lynne Featherstone.)*

Brought up, and read the First time.

5.45 pm

Lynne Featherstone: I beg to move, That the clause be read a Second time.

Mr Deputy Speaker (Mr Nigel Evans): With this it will be convenient to discuss Government amendments 23, 24, 64, 29, 30, 32 and 71.

Lynne Featherstone: These are largely technical amendments, so I can be brief. New clause 12 confers power on the Treasury to make provision varying the way that tax provisions will be applied to any property, rights or liabilities transferred to the new disclosure and barring service from the Independent Safeguarding Authority and the Criminal Records Bureau. It is standard practice that such machinery of Government changes should be tax neutral, and the new clause ensures that that is the case in this instance. The other amendments in the group make other minor and technical provisions in relation to the establishment of the disclosure and barring service.

Diana Johnson (Kingston upon Hull North) (Lab): Like the Minister, I intend to be relatively brief. Let me say clearly that Labour Front Benchers are not against creating the disclosure and barring service. We were concerned, however, that the Government prevented full and proper scrutiny of the setting up of the service by announcing only halfway through the consideration of the Bill the amendments that would achieve that. We therefore now have several other Government amendments, which I recognise are mainly technical in nature, to tidy up those originally tabled.

I hope that the Minister might be able to help me with a few questions about the disclosure and barring service, particularly on the costs of the new computer system that will be created alongside it. It is likely to be a considerable spending commitment, and we know that the Government are very concerned about spending money at this time. Will the Minister clarify the full cost of the new computer system and explain the figure of £37 million for web-based maintenance costs mentioned in the impact assessment?

In the past, unfortunately, Government IT systems have had a poor record of costs running out of control and problems with delivery. There were problems with the CRB checks system when it was first introduced, and people had to wait a long time to get their checks through, but it is now working relatively well and they often get checks within a few days. What reassurance can the Minister offer that the new computer scheme will work effectively and provide the level of protection that we want for children and vulnerable adults during this period of transition from the current scheme?

Having said that, Labour Front Benchers are satisfied with the technical nature of the majority of these amendments.

Lynne Featherstone: I thank the hon. Lady for being brief. I am sure she will remember that in Committee we apologised for the lack of time in briefing her about the joining of the two services. I hope that we made up for that somewhat by offering a special briefing to run through the details. The joining of the Independent Safeguarding Authority and the Criminal Records Bureau has been welcomed on all sides as the right way to go, and I am glad that we have all come to that conclusion. As for the IT costs, this was a value-for-money decision. The IT spend estimate is £200 million over five years, which will be funded by fees. We would have had to replace the existing IT regardless of the establishment of the DBS. This has been arranged to time with when the contract would have come to an end.

[Lynne Featherstone]

As the hon. Lady says, CRB checks have improved beyond recognition. As the Minister who receives the correspondence on this issue, I can say that my correspondence tray used to be full of complaints about the time people's CRB checks had taken. That flow is now reduced to a small trickle.

Question put and agreed to.

New clause 12 accordingly read a Second time, and added to the Bill.

New Clause 18

INFORMATION INCLUDED ON AN ENHANCED CRIMINAL RECORDS CERTIFICATE

'After paragraph (b) of subsection (3) of section 113B of the Police Act 1997 insert—

> "(c) states whether the applicant is on a barred list maintained by the Independent Safeguarding Authority in relation to work with vulnerable adults or children (whichever is appropriate).".'.—*(Diana Johnson.)*

Brought up, and read the First time.

Diana Johnson: I beg to move, That the clause be read a Second time.

Mr Deputy Speaker (Mr Nigel Evans): With this it will be convenient to discuss the following:

Amendment 111, in clause 66, page 49, leave out from line 32 to line 5 on page 53 and insert—

'(1) In sub-paragraph (3) of paragraph 2 of Schedule 3 to the Safeguarding Vulnerable Groups Act (inclusion subject to consideration of representations), after paragraph (b) insert—

> "(c) give the person the opportunity to present evidence and call witnesses at an oral hearing in front of a panel of at least two persons.".

(2) After sub-paragraph (2) of paragraph 3 of that Schedule (behaviour) insert—

"(2A) The right to representation must include the right to present evidence and call witnesses at an oral hearing in front of at least two persons.".

(3) After sub-paragraph (2) of paragraph 5 of that Schedule (risk of harm) insert—

"(2A) The right to representation must include the right to present evidence and call witnesses at an oral hearing in front of at least two persons.".

(4) After sub-paragraph (3) of paragraph 8 of that Schedule (inclusion subject to consideration of representations) after (b) insert—

> "(c) give the person the opportunity to present evidence and call witnesses at an oral hearing in front of a panel of at least two persons.".

(5) After sub-paragraph (2) of paragraph 9 of that Schedule (behaviour) insert—

"(2A) The right to representation must include the right to present evidence and call witnesses at an oral hearing in front of at least two persons.".

(6) After sub-paragraph (2) of paragraph 11 of that Schedule (risk of harm) insert—

"(2A) The right to representation must include the right to present evidence and call witnesses at an oral hearing in front of at least two persons.".'.

Amendment 117, in clause 78, page 64, line 33, at end insert—

'(3) After section 113A(3) of the Police Act 1997 (criminal record certificates) insert—

"(3A) The Secretary of State must make provision to ensure that the registered person is informed when the criminal records certificate is issued.

(3B) The Secretary of State must make provision to send a copy of the criminal record certificate directly to the registered person when the individual consents.".

(4) After section 113B(4) of that Act (enhanced criminal record certificates) insert—

"(4A) The Secretary of State must make provision to ensure that the registered person is informed when the enhanced criminal records certificate is issued.

(4B) The Secretary of State must make provision to send a copy of the enhanced criminal record certificate directly to the registered person when the individual consents."'.

Diana Johnson: Under new clause 18, the barred status of an individual would be revealed in a CRB check. The House will know that at present, an enhanced CRB check may reveal all convictions and cautions, regardless of whether they are relevant, and allegations made to the police that were not turned into convictions. One gets barred status information only if the person will be working in a regulated activity, and the Bill has produced a narrower definition of "regulated activity" than previously existed. For example, all employed positions in a school are involved in regulated activity and barred status information would be provided for those jobs.

A standard or enhanced CRB check does not reveal barred status. An enhanced CRB check would not reveal that a person had been investigated by experts at the Independent Safeguarding Authority. It would not show that allegations had been verified and references sought, and that the person had been able to make representations. It would not reveal that the Independent Safeguarding Authority had come to an informed decision that the person posed a significant danger to children or vulnerable adults.

What is more, many people on the barred list are not even known to the police. That came out in Committee. The reason could be that the parents do not want to put their child through the ordeal of making a formal complaint to the police, but the school notifies the Independent Safeguarding Authority of concerns about an individual teacher or member of staff. Another scenario is that a supply teacher moves from school to school and, although it is quite clear that there is a problem, the schools just decide not to have the supply teacher back and do not notify the police of their concerns. Eventually, the local education authority may take the view that the ISA should find out why there are so many schools where that supply teacher is not welcome. The ISA might then receive complaints and look at the employment history of the individual and see a pattern of allegations, and the teacher moving on quickly. Again, that might all happen without any formal complaint being made to the police.

With vulnerable adults it is often difficult to substantiate allegations—for example, of theft from dementia patients. A care home might decide not to notify the police, but just to dismiss the employee and notify the ISA. Even though the police do not always get involved in or know about complaints and allegations, such people are clearly a danger to vulnerable people and children, and that information should be made available to their future employers.

It would be a great help to employers, particularly charities and small voluntary sector organisations, if they were informed of concerns that the Independent Safeguarding Authority had looked into, on the basis of which an individual had been barred. The Committee received a number of submissions from sports clubs and organisations that wanted to know that any information about barring would be made available to them when working with, teaching or training young people.

I would like to give the Minister an example and ask her whether such a person will be covered by the proposals in the Bill. X is a former teacher who is barred from working with children following substantiated reports of inappropriate behaviour from three schools. None of the allegations was passed on to the police, as I have explained is common. X presents himself as a retired teacher and volunteers at a primary school. At the primary school, he hears children reading and works one-on-one with the same 10 children every week. Under the current law, the school must check his barred status and would find out about his history. The school would know that information quickly. I understand that schools can obtain barred status within 24 hours.

My understanding is that under the new law, it would be an offence for the school to check his barred status and it would not be given that information. Even if the school followed best practice and conducted an enhanced CRB check, that would reveal nothing, as no allegations had ever been made to the police. There would be no soft information and no criminal convictions on the CRB check. However, this person would clearly be a threat to children in the view of the Independent Safeguarding Authority, and would be on the barred list. As I understand it, under the proposals he would not be prevented from working with children. It would be helpful if the Minister explained why she feels it appropriate that information from the many trained experts at the Independent Safeguarding Authority—specialists in this area who are able to analyse information and allegations—should not be made available to schools and other organisations that wish to rely on that expertise.

I am sure that the Minister will also want to respond to my point about the Bichard inquiry, which as hon. Members know came out after the dreadful Soham murders. The major thrust of the report and recommendations on how to avoid another case like the Soham murders was that information should be properly shared between all interested parties. The Independent Safeguarding Authority is the body that has the most information. All employers, charities, voluntary groups and sports organisations should be able to benefit from its expertise and insight.

Moreover, when a CRB form is processed electronically, barred status comes up immediately. If an employer needs to recruit someone urgently and needs the information speedily, as often happens in the adult care sector because people become ill or move on quickly, they may be tempted to put people into sensitive positions even though they are waiting for a CRB check. I wonder whether the Minister could refer to that issue. This matter is so important that I would like to test the opinion of the House on new clause 18.

Amendment 111, which would amend clause 66, relates to people who commit serious offences. Such people are currently put on the barred list automatically. Since 1933, people who have been convicted of serious offences against children have been banned from working with children. In the Bill, the Government propose that a person convicted of a serious offence should not automatically be barred from working with children. For example, under the new proposals a man working as a lorry driver who had been convicted of raping a child would not automatically be put on the barred list. The test that the Bill sets out is that he would be put on the list only if he was, had been or might in future be engaged in regulated activity relating to children.

6 pm

As I said, the formal procedure whereby people are automatically put on the barred list is more than 70 years old. It was introduced not by the last Labour Government but a long time ago, and I am yet to be convinced by the Minister that it is necessary to change it at this point. I do not understand why she wants to end a process that is simple and straightforward and, I think, has the support of the vast majority of the population. There is a very good reason why someone who commits a serious offence is barred from working with children—because they pose a serious risk to children. That should mean that they are automatically barred from working with them. The amendment would reinstate the provision of automatically putting them on the barred list.

Under the Bill, a person could be put on the list only if the test that I have just set out were passed. If the advice was that they should be put on it, the Government would allow them to make representations to the ISA before that finally happened. The amendment would go a little further. As I have set out, it would mean a presumption that an individual who had committed a serious offence would automatically go on the list, but it would give that individual the right to present evidence in person and to call witnesses to argue that they should be taken off the list. The Joint Committee on Human Rights has called for that, and it would strengthen the already robust barring procedures employed by the ISA.

The report of the Bichard inquiry made it clear that if we want to prevent further brutal murders, we have to do everything we can to aid information sharing—yet the Government have introduced an expensive and unnecessary layer of bureaucracy that will inhibit information sharing. I have yet to hear from the Minister why she thinks bringing in the new test will assist in keeping children and vulnerable adults safer.

I thought it might help the House if I examined some of the characters who, if the Government's proposals were carried, would not be on the barred list in future. Levi Bellfield, who, as we know, was the murderer of Milly Dowler and other women, would not be on the barred list, because he was a car clamper. Under the test that the Government have set out, although he clearly posed a threat to young girls, he would not automatically go on the barred list. Because Delroy Easton Grant, who preyed on vulnerable elderly victims and has been linked to more than 100 offences, was a taxi driver, he would no longer be placed on the list of those barred from working with elderly people if the ISA were applying the test that the Government want to introduce.

Such people pose a threat to vulnerable people—children and adults—and should automatically be placed on a list of barred people, to help employers and activity providers identify those who pose a threat and keep them away from children and vulnerable adults. I believe that the Government's new measures will cost more money, and when we know money is tight and we have to watch where every penny is spent, I fail to understand why the Minister wants to introduce the new test. I also believe that it will cause confusion and that, as I said, the vast majority of the public do not understand why the Government are pursuing it.

The public want people who commit serious offences to be put on the barred list. A survey by Fair Play For Children found that 96% of the population wanted those people to be put on the barred list automatically. Will the Minister explain to the House why she refuses to acknowledge public opinion, and exactly what she hopes to gain by keeping them off the list? I will wish to test the opinion of the House on amendment 111, as well as new clause 18.

Amendment 117 is Labour's final amendment in this group. It would amend the Police Act 1997 so that the Secretary of State must ensure that the registered person who had co-signed a CRB check application would be informed when the certificate was issued. It would further amend the Act by insisting that the Secretary of State make provision to allow the CRB check certificate to be issued directly to that registered person—when, of course, the individual in question had consented. That would effectively maintain the status quo so that a CRB check would go, for example, to a prospective employer and to an individual at the same time, with the consent of the applicant.

We tabled the amendment because many concerns have been raised about the proposals for CRB checks. There is a great deal of support for the portability of CRB checks, which is welcomed throughout the House and throughout the various sectors that use them. However, many companies that submit CRB checks using the e-Bulk system—a practical requirement for large companies that employ many people in registered activities such as care home work—are concerned that the way in which the Government have designed the system will cause chaos. The Bill will cause those companies massive practical difficulties that I do not think the Minister fully appreciated or addressed in Committee. The result of those difficulties, I believe, will be fewer CRB checks being undertaken and more loopholes being exploited. We know that people who wish to do harm, particularly to children, can be very imaginative and manipulative when there is any sign of a loophole in the law, and will use whatever means they can to get access to children. I am concerned that the new system may present them with opportunities to do that.

We must also consider prospective employers who are being asked to make CRB check applications for prospective employees. They are currently expected to pay £26 for a standard CRB check, £44 for an enhanced check and £6 for a barred status check. Employers can spend the best part of £100 on each prospective employee, but under the Government's proposals they would not receive a copy of the CRB certificate directly. They should be informed of the fact that a CRB certificate has been issued, and of the outcome of the check, with the individual's consent.

I worry that within the group of manipulative and imaginative people who want to get access to vulnerable children and adults, some will delay presenting the CRB certificate that is sent directly to them. They may well be able to build up all sorts of excuses for why they will bring it in next week, the week after that or next month. Perhaps it got lost, or perhaps the dog ate it. I am concerned that that could leave employers in a difficult position, and that a number of charities and voluntary sector groups will find the system very difficult to deal with. Amendment 117 would allow an employer to know that a CRB certificate had been issued, and to know when an employee was stalling in presenting it to them.

The e-Bulk CRB check is also important for activity providers. We have had several submissions on the subject, but the two key ones that I want to mention were from the Football Association and Girlguiding UK. At the moment, those groups have teams of experts who receive and review CRB checks from all around the country. They tend to get them back within a week of the application, and they make decisions quickly. If someone is on a barred list they know even more quickly—as I have said, usually within 24 hours. CRB forms are quite technical, and it is important that they are analysed by trained people. Large employers and charities employ complex risk management techniques to assess individuals and, where appropriate, introduce special procedures to manage any risk that they could pose.

It is also likely that the new measures will discourage people from volunteering. We know how important volunteers are to the Government, and we know all about the big society and encouraging people to give their time as volunteers. CRB checks are handled centrally by, for example, the FA and Girlguiding UK, as I have described, and they are anonymous. A person who wants to volunteer with the girl guides fills in their application, which goes to the central Girlguiding UK office, where it is dealt with by a team of experts. Because that is dealt with centrally, there is no embarrassment if that person has a conviction or other information on their CRB check, but it might be embarrassing if they had to deal with the local Girlguiding commissioner, who may also not be an expert in CRB checks, and who may feel that it is better to be safe than sorry, and refuse that person the right to become a volunteer. Will the new system help people to feel confident about volunteering?

There is another issue under the new arrangements that the Government have not recognised, and which they need to address. Under the leadership of my hon. Friend the Member for Sheffield, Heeley (Meg Munn), the all-party parliamentary group on child protection helpfully produced a report that contained a number of recommendations, one of which dealt with this very point. The Government need to work with organisations that use the e-Bulk system, such as the FA and Girlguiding, to fully understand the implications of their CRB check proposals.

In their response to the all-party parliamentary group report, the Government state:

> "We are considering what"

the changes

> "will mean for the e-bulk system, and…in particular, what information should be made available to employers…once that is clear."

Will the Minister update the House on her current thinking on CRB checks and the e-Bulk system? What will the proposals mean for volunteering with big organisations and charities?

It is also worth mentioning the small organisations that do not have access to specialist help and advice on CRB checks, and that are not familiar with the complexity of the system, in which individuals receive different types of CRB checks. Has the Minister given any thought to what she said in Committee on making information on the new system available to voluntary and community groups, and on providing the information required so that people fully understand what the system means? They also need to understand what is happening when someone is trying to hoodwink them, as I have described, by pretending that the CRB certificate is not available for some spurious reason.

Jim Shannon: Does the hon. Lady agree that the Government also need to be clearer in their explanation of how the continuous updating of CRB checks will work? Many people are currently unsure.

Diana Johnson: The hon. Gentleman makes a good point, because how that system will work is unclear. I cannot get my head around the updated procedures. What consent will need to be given? What information about employees or volunteers will be made available to employers or voluntary sector groups? When will barring information be made available? If someone is barred while they are employed, will that information be made available readily to an employer? The hon. Gentleman makes a very important point, which illustrates the fact that information on how the system will work needs to be made widely available.

Steve McCabe (Birmingham, Selly Oak) (Lab): Does my hon. Friend accept that the current system has its faults? There are too many examples of the wrong person being identified, and of information that is not pertinent to them being attributed to them by a false CRB check. Would it not make more sense for the Government to try to streamline the system, so that we have a more efficient system designed for the purpose, rather than adding to the complexity, therefore increasing the chances that such errors will take place and devalue the checks?

6.15 pm

Diana Johnson: My hon. Friend makes a very good point. There are also concerns about the use of fraudulent certificates. Once a number has been allocated, people can take certificates to unsuspecting employers and say, "This is my CRB certificate. It's all fine and there's nothing to worry about." Most employers—especially small employers or voluntary and community groups—would accept that at face value. We need to make the system as streamlined as possible, but we also need to make it as foolproof as possible, and to reduce the use of fraudulent CRB checks as much as possible.

On the basis of the points that I have raised, I hope that the Minister can reassure the House on those questions, which in effect are about keeping our children and vulnerable people as safe as possible, and about keeping people who should not be working with children or vulnerable people away from them.

Meg Munn (Sheffield, Heeley) (Lab/Co-op): I shall speak briefly on the issues raised by this group of proposals. As my hon. Friend the Member for Kingston upon Hull North (Diana Johnson) has already stated, the all-party parliamentary group on child protection held an inquiry and took evidence from a wide range of organisations. Some people spoke for a number of organisations and some spoke in their own right. I am grateful that the Minister read and responded to the group's report, that she met members of the group, and that she has taken on board some of the points made.

I echo the concerns of my hon. Friend the shadow Minister. We are all concerned about child protection and the abuse of children. However, abuse is at times difficult to prove, and it is certainly difficult to get convictions. Sometimes, it is difficult to get definitive evidence even when suspicions of individuals have run for a long time. Children are told to respect adults, and often the most vulnerable children are targeted by abusers, so information does not come out easily.

That is why barred list information is so important, alongside CRB information. It would be a tragedy if people who have criminal records were allowed to work with children, but we know from years of experience that people who have raised significant concerns in their relationships with children in the past go on to abuse them, and in some dreadful cases—thankfully, a minority of cases—kill them. We have a responsibility to do all that we can to prevent that, because getting this wrong could be catastrophic.

Mrs Jenny Chapman (Darlington) (Lab): May I take this opportunity to congratulate my hon. Friend the Member for Kingston upon Hull North (Diana Johnson) on the clarity with which she has put her case? I take a keen interest in this matter, and the Independent Safeguarding Authority is in my constituency.

The very people that my hon. Friend the Member for Sheffield, Heeley (Meg Munn) describes are the ones who gain under the Government's proposals. I have in mind the words of Sir Roger Singleton, who said that the people who will be most concerned about the proposals are parents. Any parent who listened to the speech of my hon. Friend the Member for Kingston upon Hull North will be extremely worried about what the Government propose.

Meg Munn: I thank my hon. Friend for that intervention, because it leads to the point that I wanted to make. It is because the risks are so great and the results of getting it wrong are so catastrophic that we need clear information and a clear procedure. That might mean that sometimes more is done than is strictly necessary, but in this area we are not talking about what is strictly necessary. In this area we have a duty to ensure that vulnerable children are as safe as possible. I therefore join my hon. Friend the Member for Kingston upon Hull North in asking the Minister to explain in more detail why barring information would not be more readily available. I am reassured by her statement that currently such information is clearly and easily available. It is inconceivable that we would not want that to continue.

Amendment 117, which deals with criminal record certificates, touches on a matter that needs thinking through. It might seem straightforward for a certificate to go to the person having the CRB check, but my hon. Friend has already raised concerns about that. The Christian Forum for Safeguarding has drawn to my attention correspondence between it and the CRB in which the CRB confirmed that many more certificates are returned marked "undeliverable" when addressed to

[Meg Munn]

the applicant than when addressed to the registered body. If only one copy is to be sent to the applicant, it obviously increases the risk that certificates will fail to reach the applicant and so cause further delays. I want to return to a point raised by my hon. Friend. CRB checks can cover a wide range of offences. For example, we could be talking about people—often men—in their 40s or 50s who are volunteering for something and who were involved in a pub brawl when they were in their early 20s. That kind of information might be on a certificate, and it could go to the wrong house and be opened by somebody else. There could be an information breach. Under the Government's proposal, the system could be a lot more vulnerable to such things than currently.

The crucial issue is about the ability of organisations trying to recruit a volunteer or someone to a paid position to understand the situation. My hon. Friend has already quoted from the Government's response to the all-party group's report making it clear that this issue of the e-Bulk system—great name!—has not been clarified. If an organisation is in a position to put in place systems that it has made work, it seems a terrible shame to move to something else. I fully accept, as do my hon. Friends, that the system put in place by the previous Government had problems, but we should be addressing those problems and issues, not creating more. We have systems, such as the e-Bulk system, that are working well and which enable organisations and people—for example, a Brown Owl, a Girl Guider or a Scout leader in a local area—to know, "This is not something that I have to concern myself with. It is done centrally and there are experienced people looking at it who understand the nature of the information returned." Now, however, they will feel in a completely different position. That will cause us great concern.

I welcome the fact that the Minister has sought to respond to the points made by the all-party group when producing the report, but the proposed measure is not the best that this, or any, Government can do. I therefore ask her to address those issues.

Lynne Featherstone: I have always believed that on both sides of the House we are doing what we believe is best for the protection of children and vulnerable adults, while balancing that with common sense. As mentioned, the previous scheme would have had 11 million people under its auspices. As we know from all the reports and everything that we have heard, that was creating a world of suspicion. We got to the point where a parent volunteering to read to a child in a class had to get a CRB check, even if they were known and so on. We wish to strike a balance and bring back a common-sense approach to safeguarding, always with the proviso that the protection of children and vulnerable adults is foremost in our minds, as I am sure it was in the mind of the previous Government when they first conceived of this scheme following the Bichard inquiry into the Soham murders.

I shall try to answer some—I hope all—of the points raised today. New clause 18 returns us to our debate in Committee about whether barred list information should be provided on all enhanced criminal record certificates. As I said then, our policy is that barred list information should be provided only in respect of posts that fall within the scope of "regulated activity". Although we accept that there should be certain specific exceptions—in the case of applicants to foster or adopt a child, for example—we are still not persuaded that barred list information should be provided in other areas. As barring applies only to those who come within the scope of regulated activity, it would not be right for an employer or a volunteer organiser to make a decision based on barring information where the post falls outside regulated activity. Bars from working with children or vulnerable groups apply to regulated activity: it will be a criminal offence to employ somebody in a regulated activity who is barred. However, it does not make sense to disclose barring information for posts that fall outside that scope.

Meg Munn: I am grateful to the Minister for giving way, because I understand that she is trying to explain the overall situation. However, is this not precisely where the argument falls down? The whole system is interlinked and questions will arise about what is a regulated activity. The Government propose that not all contact with children will be a regulated activity, but if somebody poses a risk to children, all contact with children, even when it appears at that moment to be well supervised, will pose a risk to children. That is the point. If someone is considered a risk to children and if information about them is on the barring list, that information should be provided, regardless of whether the activity is regulated, in order that the person taking on that individual to do the non-regulated activity can decide whether the information on the barring list is relevant.

Lynne Featherstone: I shall come on to that because it is a complicated matter to discuss—there is "regulated", "unregulated", "supervised", "unsupervised" and so on. Obviously, if an activity is unsupervised, it is regulated, so I shall come on to the issues of supervision. In an establishment such as a school, it will be difficult to persuade authorities not to pursue enhanced CRB checks. The hon. Member for Kingston upon Hull North (Diana Johnson) argued that if a referral to the ISA had not been referred to the police, the barring information would not be on the certificate. It would be helpful if I could progress with my remarks in that regard. We disagreed in Committee and I have no doubt that we will end up disagreeing today as well, but I want to assure the House that we are acting with the best of intentions and drawing the line where we believe appropriate.

As I said, bars from working with children or vulnerable groups apply to regulated activity, so it does not make sense—

Mrs Chapman *rose—*

Lynne Featherstone: It would be helpful if I could explain the position.

Mrs Chapman: We have lots of time.

Lynne Featherstone: Okay.

Mrs Chapman: It should not come as a shock to the Minister to learn that parents do not want people who are barred from working with children to be anywhere near their children, regardless of whether they are supervised. That is our problem with the Government's position.

6.30 pm

Lynne Featherstone: As I said, I will come on to that in due course, when I talk about barring information and about what is on the CRB certificates. Ultimately, the fact that someone is barred is not necessarily the key issue—*[Interruption.]* Well, if someone has been convicted of a sexual assault or other sexual offence, it will be on their certificate. The fact that they are barred from regulated activity will not. *[Interruption.]* I have now said twice that I am going to cover this matter, so I hope that the hon. Member for Darlington (Mrs Chapman) will let me make some progress.

We do not want to arrive at a position in which an employer could deny a job in a non-regulated activity to an applicant on the basis that he or she was barred from regulated activity. In such circumstances, an employer would effectively be saying, "I'm not giving you this job, because you are barred from a completely different area of work." That would plainly be wrong, and disproportionate to the aims of the disclosure regime. It could also lead to legal challenges.

Diana Johnson: Will the Minister give way?

Lynne Featherstone: Okay, but I do feel that I am getting to all the hon. Lady's points.

Diana Johnson: I am sure that the Minister will get to all my points, but I want to give her an example that fits the scenario that she has just described, and that ought to worry us all. It involves a taxi driver. Taxi drivers require only a standard CRB check involving the standard disclosure. In this example, the taxi driver was ferrying children from school occasionally, once or twice a month, but numerous accusations that that person had abducted schoolgirls had been recorded with the ISA, and he was in fact barred. The taxi firm did not know that, however. As I understand it, the firm had behaved properly in simply carrying out the standard CRB check. Surely the Minister would accept that, if the firm had known that the person was barred from working with children, that would have affected the jobs that he was given by the employer.

Lynne Featherstone: A taxi driver who worked with children would be eligible for an enhanced CRB check, which would show up any such convictions. I am going on to the ISA stuff—*[Interruption.]*

Madam Deputy Speaker (Dawn Primarolo): Order. I am finding it difficult to understand the discussion on these points, given the exchanges that are being made across the Dispatch Box. The Minister does not have to give way if she does not want to; she can go on to make her points. The hon. Member for Kingston upon Hull North (Diana Johnson) can seek to intervene whenever she likes, as can any other Member. I would also appreciate it if interventions were a little briefer.

Lynne Featherstone: Thank you, Madam Deputy Speaker.

The hon. Member for Kingston upon Hull North could produce endless scenarios, but all I was going to say in response to the example of the taxi driver is that the law has not changed. Taxi drivers have been getting enhanced standard CRB checks. Taxi and private hire workers who work regularly with children are eligible for enhanced checks. Other drivers are eligible for standard checks, as the hon. Lady said, and that will reveal spent and unspent convictions, cautions and warnings. We are considering how best to ensure that vulnerable groups are protected, and officials have recently had productive discussions with relevant stakeholders on this issue.

I will come on to the crux of the argument made by the hon. Member for Sheffield, Heeley (Meg Munn), which was that some referrals to the ISA from employers, schools and so on involve information that never finds its way to the police and that would therefore not be revealed, even in an enhanced CRB check. I was saying that an employer could say, "I'm not giving you this job, because you are barred from a completely different area of work." We think that that would be wrong. I want to make it clear that an enhanced CRB certificate will still be available to employers and volunteer organisations that employ people in certain work that involves children or vulnerable adults but that falls outside the scope of regulated activity. We will publish detailed proposals in good time on the implementation of the overall reforms to the disclosure and barring arrangements.

The parts that worry Labour Members, and that we have paid attention to, are the positions that were in regulated activity and that are now in unregulated activity and therefore not subject to the controls available to regulated activity.

Diana Johnson: Will the Minister give way?

Lynne Featherstone: Well, all right, but after this I must make some progress, because I think we are just going round in circles.

Diana Johnson: I just want to clarify a point. The Minister said that there were groups, occupations or opportunities that would attract enhanced CRB checks and barring information even though they did not involve regulated activity. Is this new? Is she saying that this is a new group?

Lynne Featherstone: No; either I misspoke or the hon. Lady misheard. Enhanced CRB checks will be available if an employer chooses; it is not a requirement. If there is a post in a school that involves unregulated activity and the school wishes to have a criminal record check for the person undertaking that unregulated activity, it can do so. Obviously, all conviction information will be in that check, and if it is an enhanced check, it will also include soft, local information from the police.

The greater challenge will be in the other direction, because of the conditioning around child protection. People have become incredibly cautious, and that is to be welcomed, but the Government are trying to say that employers and people who run organisations have a locus in this; they have a responsibility. It is not just about getting a CRB check; we want employers to make a judgment to ensure that everyone in their establishment is safe to work with children, whether the work is regulated or unregulated. That is the criterion: when they take someone on as an employee or as a volunteer, it is just as important as the CRB check or whether the person has regulated or unregulated status that employers have their own ways of checking, through references and talking to people, and that they take very conscientiously their duties to safeguard children, for their own conscience and behaviour, in their employ.

[Lynne Featherstone]

I should make it clear that the checks are still available to employers. We will publish more details on that, and we will give more information on statutory and non-statutory aspects when we get to the next group of amendments. The disclosures include information on previous criminal convictions and cautions, spent and unspent, and relevant local police information. It is essential that the fact of a bar be disclosed on an enhanced CRB certificate for regulated activity, because barred people are prohibited by law from doing such work. It is a criminal offence for someone who is barred to apply for work in regulated activity; similarly, it is an offence for an employer knowingly to employ someone on the barred list. Indeed, under the Bill, there is a duty to check whether someone who applying to work in regulated activity is barred.

For other positions, where an employer has discretion whether to employ someone or to take them on as a volunteer, it is even more important that they should see the behaviour itself, in the form of convictions, cautions and local police information, rather than the actual information as to whether there is a bar—this is still about regulated activity, not the ISA referral, which I will come to in a moment. Together with the other information that the employers will have obtained during the recruitment process, they will then be able to make a decision on whether to employ the person.

One of the subjects that we discussed at length in Committee involved the information that arrives at the police. Through guidance, we will encourage employers and volunteer users to ensure that the police, as well as the barring authority, are informed in cases where there is a risk to vulnerable groups. That could then be reflected on the CRB certificate, if relevant, and will assist the police with their wider protection duties.

Although I acknowledge the hon. Lady's argument about parents not wanting to involve children in getting rid of somebody who is under suspicion at a school and not wanting to refer the matter to the police because that creates difficult circumstances, to be frank, this Government want that referral to be made. That information must be given to the police. It is absolutely inappropriate not to do so if a school or organisation suspects that someone is unsuitable to work with children. We want to take the atmosphere around that situation away, so that what happens is not just that the case can be referred to the ISA—which, as the hon. Lady rightly said, uses its excellent skills to impose a discretionary bar—but, more important, that the information goes to the police, and not just because of the employment situation. If the information is on the enhanced Criminal Records Bureau certificate, the same person—who could be a volunteer or in employment—can also go out of that establishment and down to the local park. It is really important that the information gets through to the police. I want that point to go out loud and clear. Although the hon. Lady raises a valid point, we are hoping to change the position so that it is no longer the case that people use their discretion to refer only to the ISA, and that the ISA shares that information.

Diana Johnson: The Minister is absolutely right that the police should be informed where there are allegations that need to be properly investigated and, hopefully, brought to court so that people can be convicted, but I am concerned that in some cases that will not happen, for whatever reason. Where the ISA has information that someone should be barred from working with children, would it not be appropriate for that information also to be passed on to employers, voluntary sector groups and charities?

Lynne Featherstone: I do not think that we will reach agreement on that point, because we regard it as disproportionate to give barring information in a situation that is not appropriate for barring—that is, where there is not regulated activity. The concept of the barred status of individuals not appearing on certificates for positions falling outside regulated activity is not new; that has been the case. The key changes of our provisions are to the scope and extent of regulated activity, not the application of barring provisions, which remain the same. We have changed the scope.

The hon. Lady raised the issue of people who are barred being able to have access to children on an infrequent basis under the current scheme—for example, as volunteers in schools. That is the case at the moment. I think people who were barred could have access to children three times a month—that is, infrequently. Under the old regime—or the current regime, I should say—if there was infrequent contact, people did not have to be checked. They could be checked, but it was not mandatory. There will always be people who have some contact with children whom parents cannot check. There were under the previous Government's scheme: as I say, if contact was infrequent, people were not necessarily checked. We cannot eliminate risk entirely, but we believe that we are minimising it.

The hon. Lady raised the case of a former teacher who was barred from three schools where the information was not passed to the police. That teacher went on to volunteer at primary school, working one-on-one with 10 kids. As I have said, the enhanced CRB check would not show the information, because the case was referred to the ISA, but we are saying that in future that information should be passed to the police. More importantly, volunteers in an unregulated situation will be supervised. It is crucial that employers and organisations understand what is appropriate in terms of supervision and, therefore, what is regulated or not regulated activity, which we will come to later. The law would then be involved, because it would be against the law to employ someone or have them in unregulated activity if the barred status had not been checked. However, we will come to that in due course.

6.45 pm

Diana Johnson: I am trying to help the Minister, who may have said something that I am not sure her officials would agree with about someone who is currently barred having access to children in school. Perhaps she could consider it again. My understanding of the current law is that schools have to check the barred status of individuals in schools, so people barred from working with children would not be in schools at the moment.

Lynne Featherstone: If they were in regulated activity, they would be barred. It is a duty under the law that they should be checked.

The hon. Lady also raised the concerns of the Football Association and Girlguiding UK, but we see no reason why the provisions in the Bill should discourage volunteering. In particular, there is no reason why central human resource specialists cannot contrive to take decisions about whether to take on a new volunteer. In such cases, the prospective volunteer would send their CRB certificate to the central body rather than the local branch—in this case, to the football coach or the guide leader. The e-Bulk system continues.

The hon. Member for Strangford (Jim Shannon) asked me to explain continuous updating, and it might help those who were not involved in every aspect of the Committee if I do so. Continuous updating will be an e-system. An employee will be given an exclusive number. When they go for a job, they can give that number—their PIN, as it were—to the prospective employer and, sitting in the interview, that employer can log on with it and check that person's CRB status in relation to children, vulnerable adults or both. What will be shown on the screen is either whether there has been any change from when the last certificate was presented or that person's last status. If there is no change, no more information is needed; if there is a change, the screen will tell the employer that there has been a change to the available information. Obviously they will then need a new certificate, so that the employer knows that there has been a change and that there is information that needs looking at. Given that CRB checks are completely clear 92% of the time, the system is obviously very fast.

Amendment 111 would make three substantive changes to the barring arrangements. First, it deals with the test for barring decisions set out in clause 66. In considering the amendment, it is important to examine the provisions in that clause. The vetting and barring scheme developed by the last Government was well intentioned, but the balance was not right. The scheme that was developed was over the top and disproportionate. We have made clear our intention to scale back the scheme to common-sense levels, and that is what we are doing.

Time is running out, but let me just say that we are prepared to consider some of the suggestions on the issuing of the certificate. I will be happy to come back to that.

Diana Johnson: I pay tribute to my hon. Friend the Member for Sheffield, Heeley (Meg Munn) for her well informed speech. She has considerable experience in and knowledge of child protection, which she has usefully brought to our debates. I know that she, as chair of the all-party group, works tirelessly to promote the safety of vulnerable children and to ensure that they are kept as safe as possible. I also pay tribute to my hon. Friend the Member for Darlington (Mrs Chapman), who has a great deal of expertise, as well. Her interventions were a useful contribution to the debate, raising some of the key issues.

I am concerned about the Government's response to the genuine concerns expressed by employers and voluntary groups about the information they feel they should have to help them in decision making. I still do not understand why the Minister feels that we should not use the ISA's great knowledge and expertise in child protection and keeping vulnerable people safe. The ISA looks at all sorts of information. Why should that information not be made available to prospective employers or voluntary groups and charities?

Let me make a special plea for voluntary groups, which often rely on individuals to give up their time to run, for example, the Sunday football league in the local park. Those groups often do not have great knowledge of the CRB system, but would greatly benefit from knowing that the experts at the ISA had looked carefully into a person and formed a judgment that they should be barred. I still do not understand why the Government are so against sharing that information. Most members of the general public would think that if someone is on a barred list, that information should be made available to employers and organisations though which that person is likely to come into contact with children and vulnerable people. I ask the Minister to think hard before turning her face against that provision.

I made it clear that I agree with the Minister about the importance of pursuing people through the courts whenever possible, and of ensuring that people feel confident about taking allegations to the police where they feel that behaviour in a school or care home has been unacceptable. We all support that, but it will not always happen. The Minister failed to address those cases where information is not shared with the police; a barring decision has been made by the ISA, but that information will appear nowhere on a standard or enhanced CRB certificate. That means that a Sunday football club might well have organising the football teams and supervising the children a coach that no one knows has been barred from working with children. As my hon. Friend the Member for Darlington said, the vast majority of parents would be horrified to think that such a situation could arise when that information is readily available from the ISA and could have been provided to keep those children safe. That is an important point.

I also want to make a plea for small employers that do not have large human resources departments and do not have the capacity to spend time going through all the procedures that the big companies can. I imagine Tesco and Sainsbury's have large HR departments that can process applications, take up references and do everything else that has to be done, but small employers, with perhaps just two or three people working for them, are different. That sort of employer will have to get to grips with a whole new system of CRB checks, online updating and all the rest of it. The Minister fails to understand the reality of modern businesses in this country or how complicated the new system will appear to many small businesses.

Lynne Featherstone: Will the hon. Lady explain how much more complicated it will be than the previous system?

Diana Johnson: I have set out the problem in the amendments. Making the certificate available only to the individual rather than to the individual and the prospective employer, as currently happens, is fraught with difficulties. Those who want to use the system for their own ends will find ways around the fact that the certificate does not go directly to the employer.

Lynne Featherstone: It might give the hon. Lady some heart if I say that we have listened very carefully to that argument and we are considering whether it would be possible to send notification of a certificate that has not been sent, perhaps going even further than she suggests

[Lynne Featherstone]

in telling the prospective organisation or employer that it is clear of anything that needs checking. As I say, we are considering that at the moment.

Diana Johnson: Let me repeat a comment I made yesterday in a debate on wheel-clamping: one of the problems with this Government is that they rush into legislation without taking the time to consider the practical implications. We are now at the Report stage of the Protection of Freedoms Bill, yet the Minister now says that the Government might well consider looking at the practicalities of the system that they are going to bring in—a system that will cost millions of pounds and cause a great deal of concern to businesses, the voluntary sector and sports groups. I think the Minister should reflect on that.

Lynne Featherstone: I think the hon. Lady should reflect on the fact that we have listened, that we are working with all the associations and that we are willing to make changes, whatever stage of the Bill we are at.

Diana Johnson: Goodness, it is like the Health and Social Care Bill all over again! At this point, perhaps I should move on and speak to the Opposition amendments.

I genuinely believe that the protection of children and vulnerable adults is a matter of concern to us all, in all parts of the House; we want to make sure that we get this right. That is why the Labour Front-Bench team tabled the amendments, based on the advice of experts in the field and in response to the organisations that are asking for information to be made available to them so that they can do the right thing and keep children and vulnerable adults safe.

I am worried by the Minister's reluctance to acknowledge some of the important issues. The taxi driver example I provided is a real-life example that was pointed out to me yesterday. It applies to someone who, I accept, is not working in regulated activity. The standard criminal record check is the one normally used for taxi drivers, but this person was working with children on an irregular basis, despite the clear allegations that the person had wanted to abduct children in the past. The taxi company, which acted perfectly reasonably in the belief that this was a person with no convictions, allowed him to go out and ferry children around once or twice a month. What he had done was on his record, but the taxi company did not have access to the information. Many people would be worried to know that such information was not made available to an employer who was trying to do their best.

Lynne Featherstone: The situation that the hon. Lady raises arises under the existing rules.

Diana Johnson: The problem is that the barring information is not made available. The point of our new clause is to ensure that barring information relating to individuals judged to be a threat to children should be made available when someone applies for a CRB check. That is the point.

The Minister made a point about locus and about employers and voluntary groups making judgments using their own common sense. Of course we want people to do that; of course we want people to take responsibility for their actions, but I fail to understand why the Minister will not allow individuals, organisations or employers to have all the information, so that they can make proper decisions about who they employ and who they allow to volunteer in their organisations.

I shall divide the House on new clause 18, which deals with revealing barred status when a CRB check is applied for, and I shall also press amendment 111 to clause 66. As we have discussed, the vast majority of people in this country would be horrified to know that the Government no longer wish to put serious criminals on a barred list to protect children. Even at this late stage, I ask the Minister to think again about whether that is the way the Government want to go.

Question put, That the clause be read a Second time.

The House divided: Ayes 224, Noes 295.

Division No. 360] **[7 pm**

AYES

Abrahams, Debbie
Ainsworth, rh Mr Bob
Alexander, rh Mr Douglas
Alexander, Heidi
Allen, Mr Graham
Anderson, Mr David
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bain, Mr William
Balls, rh Ed
Banks, Gordon
Barron, rh Mr Kevin
Bayley, Hugh
Beckett, rh Margaret
Begg, Dame Anne
Bell, Sir Stuart
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Blackman-Woods, Roberta
Blenkinsop, Tom
Blomfield, Paul
Bradshaw, rh Mr Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr Nicholas
Brown, Mr Russell
Bryant, Chris
Burden, Richard
Byrne, rh Mr Liam
Campbell, Mr Alan
Campbell, Mr Gregory
Campbell, Mr Ronnie
Chapman, Mrs Jenny
Clark, Katy
Clarke, rh Mr Tom
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cunningham, Alex
Cunningham, Mr Jim
Cunningham, Tony
Curran, Margaret
Dakin, Nic
Danczuk, Simon
Darling, rh Mr Alistair
David, Mr Wayne
Davidson, Mr Ian
Davies, Geraint
De Piero, Gloria
Denham, rh Mr John
Dobbin, Jim
Dobson, rh Frank
Docherty, Thomas
Dodds, rh Mr Nigel
Donohoe, Mr Brian H.
Dowd, Jim
Doyle, Gemma
Dromey, Jack
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Elliott, Julie
Esterson, Bill
Evans, Chris
Field, rh Mr Frank
Fitzpatrick, Jim
Flello, Robert
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Francis, Dr Hywel
Gapes, Mike
Gilmore, Sheila
Glass, Pat
Glindon, Mrs Mary
Godsiff, Mr Roger
Goggins, rh Paul
Goodman, Helen
Greatrex, Tom
Green, Kate
Griffith, Nia
Gwynne, Andrew
Hain, rh Mr Peter
Hamilton, Fabian
Hanson, rh Mr David
Harman, rh Ms Harriet

Harris, Mr Tom
Havard, Mr Dai
Healey, rh John
Hendrick, Mark
Hepburn, Mr Stephen
Hillier, Meg
Hilling, Julie
Hodge, rh Margaret
Hood, Mr Jim
Hopkins, Kelvin
Hunt, Tristram
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs Siân C.
Jamieson, Cathy
Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Graham
Jones, Helen
Jones, Susan Elan
Joyce, Eric
Kaufman, rh Sir Gerald
Kendall, Liz
Khan, rh Sadiq
Lazarowicz, Mark
Leslie, Chris
Llwyd, rh Mr Elfyn
Love, Mr Andrew
Lucas, Ian
Mactaggart, Fiona
Mahmood, Mr Khalid
Mahmood, Shabana
Mann, John
Marsden, Mr Gordon
McCabe, Steve
McCann, Mr Michael
McCarthy, Kerry
McClymont, Gregg
McCrea, Dr William
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr Pat
McGovern, Alison
McGovern, Jim
McGuire, rh Mrs Anne
McKechin, Ann
McKenzie, Mr Iain
McKinnell, Catherine
Meacher, rh Mr Michael
Mearns, Ian
Michael, rh Alun
Miller, Andrew
Mitchell, Austin
Moon, Mrs Madeleine
Morden, Jessica
Morrice, Graeme *(Livingston)*
Morris, Grahame M. *(Easington)*
Mudie, Mr George
Munn, Meg
Murphy, rh Paul
Murray, Ian
Nandy, Lisa
Nash, Pamela
O'Donnell, Fiona
Onwurah, Chi
Osborne, Sandra
Owen, Albert
Paisley, Ian
Pearce, Teresa
Perkins, Toby
Pound, Stephen
Qureshi, Yasmin
Reed, Mr Jamie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Riordan, Mrs Linda
Ritchie, Ms Margaret
Robertson, John
Robinson, Mr Geoffrey
Rotheram, Steve
Roy, Mr Frank
Roy, Lindsay
Ruane, Chris
Sarwar, Anas
Seabeck, Alison
Shannon, Jim
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheridan, Jim
Shuker, Gavin
Simpson, David
Skinner, Mr Dennis
Slaughter, Mr Andy
Smith, rh Mr Andrew
Smith, Angela
Smith, Nick
Smith, Owen
Speller, rh Mr John
Straw, rh Mr Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr Gerry
Tami, Mark
Thomas, Mr Gareth
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, Valerie
Walley, Joan
Watson, Mr Tom
Watts, Mr Dave
Whitehead, Dr Alan
Wicks, rh Malcolm
Williams, Hywel
Wilson, Sammy
Winnick, Mr David
Winterton, rh Ms Rosie
Woodcock, John
Wright, David
Wright, Mr Iain

Tellers for the Ayes:
Mr David Hamilton and
Phil Wilson

NOES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Amess, Mr David
Andrew, Stuart
Arbuthnot, rh Mr James
Bacon, Mr Richard
Baker, Norman
Baker, Steve
Baldry, Tony
Barclay, Stephen
Barker, Gregory
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Beith, rh Sir Alan
Bellingham, Mr Henry
Beresford, Sir Paul
Berry, Jake
Bingham, Andrew
Binley, Mr Brian
Blackwood, Nicola
Blunt, Mr Crispin
Boles, Nick
Bone, Mr Peter
Bradley, Karen
Brady, Mr Graham
Brake, rh Tom
Bray, Angie
Brazier, Mr Julian
Brine, Mr Steve
Brokenshire, James
Brooke, Annette
Browne, Mr Jeremy
Bruce, Fiona
Bruce, rh Malcolm
Buckland, Mr Robert
Burley, Mr Aidan
Burns, Conor
Burns, rh Mr Simon
Burrowes, Mr David
Burstow, Paul
Burt, Alistair
Burt, Lorely
Byles, Dan
Cable, rh Vince
Cairns, Alun
Campbell, rh Sir Menzies
Carmichael, rh Mr Alistair
Carmichael, Neil
Carswell, Mr Douglas
Cash, Mr William
Chishti, Rehman
Chope, Mr Christopher
Clappison, Mr James
Clark, rh Greg
Clifton-Brown, Geoffrey
Colvile, Oliver
Cox, Mr Geoffrey
Crabb, Stephen
Crockart, Mike
Crouch, Tracey
Davey, Mr Edward
Davies, David T. C. *(Monmouth)*
Davies, Glyn
Davis, rh Mr David
de Bois, Nick
Dinenage, Caroline
Djanogly, Mr Jonathan
Dorries, Nadine
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Jonathan
Fabricant, Michael
Farron, Tim
Featherstone, Lynne
Francois, rh Mr Mark
Freeman, George
Freer, Mike
Fullbrook, Lorraine
Gale, Mr Roger
Garnier, Mark
George, Andrew
Gibb, Mr Nick
Gilbert, Stephen
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Gray, Mr James
Grayling, rh Chris
Green, Damian
Greening, Justine
Griffiths, Andrew
Gummer, Ben
Gyimah, Mr Sam
Hague, rh Mr William
Halfon, Robert
Hames, Duncan
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, Matthew
Harper, Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Harvey, Nick
Haselhurst, rh Sir Alan
Hayes, Mr John
Heald, Oliver
Heath, Mr David
Heaton-Harris, Chris
Hemming, John
Henderson, Gordon
Hendry, Charles
Herbert, rh Nick
Hinds, Damian
Hollingbery, George
Hollobone, Mr Philip
Holloway, Mr Adam
Hopkins, Kris
Horwood, Martin
Howarth, Mr Gerald
Howell, John
Hughes, rh Simon
Huhne, rh Chris
Huppert, Dr Julian
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margot
Javid, Sajid
Jenkin, Mr Bernard
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, Mr David

Jones, Mr Marcus
Kawczynski, Daniel
Kelly, Chris
Kirby, Simon
Knight, rh Mr Greg
Kwarteng, Kwasi
Latham, Pauline
Laws, rh Mr David
Leadsom, Andrea
Lee, Jessica
Lee, Dr Phillip
Lefroy, Jeremy
Leigh, Mr Edward
Leslie, Charlotte
Letwin, rh Mr Oliver
Lewis, Brandon
Lewis, Dr Julian
Liddell-Grainger, Mr Ian
Lloyd, Stephen
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Lucas, Caroline
Luff, Peter
Macleod, Mary
Main, Mrs Anne
May, rh Mrs Theresa
Maynard, Paul
McCartney, Jason
McCartney, Karl
McIntosh, Miss Anne
McLoughlin, rh Mr Patrick
McPartland, Stephen
McVey, Esther
Mensch, Louise
Menzies, Mark
Mercer, Patrick
Metcalfe, Stephen
Miller, Maria
Mills, Nigel
Milton, Anne
Moore, rh Michael
Morgan, Nicky
Morris, Anne Marie
Morris, James
Mosley, Stephen
Mowat, David
Mulholland, Greg
Munt, Tessa
Murray, Sheryll
Murrison, Dr Andrew
Neill, Robert
Newmark, Mr Brooks
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
Offord, Mr Matthew
Ollerenshaw, Eric
Opperman, Guy
Ottaway, Richard
Parish, Neil
Pawsey, Mark
Penning, Mike
Penrose, John
Percy, Andrew
Perry, Claire
Phillips, Stephen
Pincher, Christopher
Poulter, Dr Daniel
Prisk, Mr Mark
Pugh, John
Raab, Mr Dominic
Redwood, rh Mr John
Rees-Mogg, Jacob
Reevell, Simon
Reid, Mr Alan
Robertson, Hugh
Robertson, Mr Laurence
Rogerson, Dan
Rosindell, Andrew
Rudd, Amber
Ruffley, Mr David
Russell, Bob
Rutley, David
Sandys, Laura
Scott, Mr Lee
Selous, Andrew
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simmonds, Mark
Simpson, Mr Keith
Skidmore, Chris
Smith, Henry
Smith, Julian
Smith, Sir Robert
Soames, rh Nicholas
Soubry, Anna
Spelman, rh Mrs Caroline
Spencer, Mr Mark
Stanley, rh Sir John
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, Mel
Stuart, Mr Graham
Sturdy, Julian
Swayne, rh Mr Desmond
Swinson, Jo
Swire, rh Mr Hugo
Syms, Mr Robert
Tapsell, rh Sir Peter
Thurso, John
Timpson, Mr Edward
Tomlinson, Justin
Truss, Elizabeth
Turner, Mr Andrew
Uppal, Paul
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, Mr Ben
Walter, Mr Robert
Ward, Mr David
Watkinson, Angela
Weatherley, Mike
Webb, Steve
Wharton, James
Wheeler, Heather
White, Chris
Whittaker, Craig
Wiggin, Bill
Williams, Mr Mark
Williams, Roger
Williams, Stephen
Williamson, Gavin
Willott, Jenny
Wilson, Mr Rob
Wollaston, Dr Sarah
Wright, Jeremy
Wright, Simon
Yeo, Mr Tim
Young, rh Sir George
Zahawi, Nadhim

Tellers for the Noes:
Miss Chloe Smith and
Norman Lamb

Question accordingly negatived.

Clause 63

RESTRICTION OF SCOPE OF REGULATED ACTIVITIES: CHILDREN

7.15 pm

Diana Johnson: I beg to move amendment 112, in page 45, leave out lines 22 to 24.

Madam Deputy Speaker (Dawn Primarolo): With this it will be convenient to discuss the following:

Amendment 114, in page 45, line 22, leave out 'day to day' and insert 'close and constant'.

Amendment 115, in page 46, line 27, leave out 'day to day' and insert 'close and constant'.

Amendment 113, in page 46, leave out lines 29 to 40.

Amendment 116, in page 46, line 37, leave out 'day to day' and insert 'close and constant'.

Government amendments 22 and 63.

Diana Johnson: We debated regulated activity and supervision in Committee. *[Interruption.]* These amendments address those issues. *[Interruption.]*

Madam Deputy Speaker: Order. I ask those Members who are leaving the Chamber to do so quietly while we continue our consideration of the Bill. This is a timed debate.

Diana Johnson: As I was saying, these amendments deal with regulated activity relating to children and we discussed that, and the closely related issue of supervision, at length in Committee. I should make it clear that these are probing amendments and I will not press any of them to a Division. I would, however, be interested to hear the Minister's views on the issues that the amendments address.

We have concerns about the current drafting of these provisions. If a person has contact with a child it will generally be in regulated activity, but that is not always the case. For instance, a volunteer in a school classroom where there is a teacher present would not be seen to be in regulated activity so would not be subject to any form of Criminal Records Bureau check or barred status check.

The Sport and Recreation Alliance, Fair Play for Children and other charities have highlighted the problems in using the notion of supervision for deciding whether a person is in a position to exploit their relationship with children. That person could, as I have just said, be a volunteer in a classroom listening to children read, or a volunteer helping the school caretaker, and they are therefore able to build relationships with the pupils as they carry out their voluntary role. The problem is not the activity they are performing, which could well be properly supervised; rather, it is the fact that they are building relationships with children which they might go on to exploit. The charities I mentioned point out that supervision is an inappropriate notion in this context as it ignores this secondary access that can be used to build up a relationship with a child or vulnerable adult. If someone is in such a position of trust, they might later take action that could be detrimental to the child or vulnerable adult.

Meg Munn: May I reiterate the concern that is felt? The failure to provide barred status information on people in these unregulated areas is precisely the loophole that the Government should be closing, because if somebody is a risk to children and is having regular contact with them, albeit supervised, the person who is taking them on as a volunteer should have the necessary information to decide whether that is appropriate.

Diana Johnson: My hon. Friend puts the case very well, and I hope the Minister will reflect on the issue of barred status information not being made available—which we have just voted on—and on this whole area of supervision, and consider whether to redefine or remove entirely the concept of supervision.

Let me discuss the example of David Lawrence. For many years he was a football coach volunteering for a team in a junior league in the Avon area. In the late 1990s, working with Fair Play for Children, the Football League tightened its safeguarding procedures and uncovered a string of allegations made against Mr Lawrence dating back to the 1970s, but he had no convictions. He was removed from the football club and shortly afterwards was convicted of an offence against a young boy. Shockingly, just two months after release, in the early 2000s, he was once again volunteering at a local football club. It was a club in a league affiliated with the Football Association, but it was not conducting even basic checks on those who volunteered with it. Mr Lawrence was in a series of supervised volunteer positions, but if this Bill is passed in its current form there will be no legal requirement to conduct any checks on his background. The case shows that statutory regulation is needed to force activity providers to conduct background checks on individuals. Because so much of the relevant information is often soft information—we have just debated that at length—these background checks should go through the Independent Safeguarding Authority.

A redefinition of "supervision" is set out in amendments 114 to 116, which seek to deal with the Government's definition of the term. We discussed that at great length in Committee, including a number of different options for the definition. Using a definition of "day to day" supervision to cover people such as a football coach or an assistant in a school classroom is not sufficient, as it allows individuals to be left unsupervised for long periods. For example, a football coach could take the same group of children to a different part of a playing field regularly—on a weekly basis—and that is of concern. The definition would also allow a volunteer at a drama group to teach mime to a group of children in a different room from the person supposed to be supervising them. Someone with that ability to take part in activities away from where their supervisor is should be subject to background checks.

A survey conducted by the National Confederation of Parent Teacher Associations suggested that three quarters of parents want background checks to be carried out unless they have personally chosen the person who has access to their child. The brief on which the National Society for the Prevention of Cruelty to Children led stated:

> "We are concerned that the proposed definition of regulated activity does not cover some groups of people who have frequent and close contact with children. This creates risks for children. Those who seek to harm children can be predatory and manipulative. If certain types of work are exempt from vetting and barring, in some sectors or settings, but not in others, dangerous adults are likely to target those organisations with weaker arrangements."

It continues:

> "Our key outstanding concern is about the exclusion of supervised work from regulated activity: The Bill exempts many positions from regulated activity simply by virtue of them being under 'regular day to day supervision'. However supervised employees and volunteers are still able to develop relationships with children which could be exploited. For example, a volunteer teaching assistant in a classroom of 30 children, with only light-touch supervision by the classroom teacher, has plenty of opportunity to develop inappropriate relationships and groom children.
>
> The definition of 'regular day to day supervision' is not sufficient because it could be understood to include individuals who have a 'supervisor' on site, but who are able to work with groups of children on their own for significant periods of time, with no one directly supervising their work."

The first recommendation in the report by the all-party group on child protection was to tighten up the definition of "supervision". In its response to that report, the Home Office said that it agreed that regulated activity should cover all those positions where individuals have close contact and can develop trusting relationships with children. Unfortunately, the Government have not tabled any amendments to allow us to deal with that.

We welcome Government amendments 22 and 63. We are glad that the Government have heeded the calls made by the Opposition and by leading charities in the area, including the NSPCC, to introduce statutory guidance on the issue of supervision.

Jim Shannon: One of the concerns that many people and lots of organisations have about supervision—this has been expressed to me and I suspect to many others in the House—is the level of complexity and the degree of risk involved. Does the hon. Lady feel that the Government should reconsider that issue and how they can best address it to everyone's satisfaction?

Diana Johnson: The hon. Gentleman makes a very important point. All members of the Public Bill Committee had real concerns about this issue, and wanted further explanation and statutory guidance to be produced by the Government. We are therefore pleased that these amendments will assist that definition, but we are also concerned that we have not had an opportunity in the House to debate and discuss exactly what "regulated activity" and "supervision" are, how they fit together and whether or not we need to revisit the matter. I hope the Minister will be able to give an assurance that the protection set out in the Bill and these Government amendments will be sufficient to deal with the kind of examples that I have given, where people have been able to abuse their position in schools, charities or other voluntary sector groups.

[Diana Johnson]

The all-party group's second recommendation was that the Government should introduce statutory guidance, so again this move is to be welcomed. I would be grateful if the Minister could respond to those points.

Lynne Featherstone: There is not much time available, so I shall be brief. There was considerable discussion in Committee about the nature of "supervision". The Bill describes "supervised work" as being

> "any such work which is, on a regular basis, subject to the day to day supervision of another person who is engaging in regulated activity relating to children".

That is a tight definition. Supervision must be ongoing, so a once-a-week meeting between the supervisor and supervised would not meet the requirement. The supervision must be on a daily basis and it must be done by someone who is in regulated activity themselves and, therefore, has been checked against the barred list.

We believe that our proposals in this part of the Bill strike a better balance between the roles played by the state and the employers in situ in protecting the vulnerable. Those activities presenting the greatest risks, such as unsupervised work with children or vulnerable adults, remain subject to the central barring and vetting arrangements. We do not think those arrangements are necessary where regular supervision takes place on a daily basis. I should emphasise that that does not mean that checks should not, or cannot, be carried out in relation to work that falls outside regulated activity.

Lastly, I wish to say that I am glad that the hon. Lady is pleased with our movement on statutory guidance.

Diana Johnson: As I said, I do not intend to press the amendment to a Division and I am pleased that the Government have seen the sense in having statutory guidance on supervision. It is unfortunate that the House has not had the opportunity to consider any draft guidance that the Government might wish to introduce, although I assume that we will see that later in the day.

Jim Shannon: I thank the hon. Lady for giving way; I am conscious of the time. Does she feel that this measure is about reducing the number of those being checked? If it is, it is flawed. That is one of my concerns. Most employers will carry out a non-regulated activity that will not require the barred list information or an enhanced disclosure. In other words, things will thereby not be done in the way they should to get full disclosure. I know that we are not going to divide the House on this point, but I am very concerned about what it means.

Madam Deputy Speaker (Dawn Primarolo): Does the hon. Lady wish to withdraw the amendment?

Diana Johnson: I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

7.30 pm

Proceedings interrupted (Programme Order, 10 October).

The Deputy Speaker put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

Clause 66

ALTERATION OF TEST FOR BARRING DECISIONS

Amendment proposed: 111, page 49, leave out from line 32 to line 5 on page 53 and insert—

'(1) In sub-paragraph (3) of paragraph 2 of Schedule 3 to the Safeguarding Vulnerable Groups Act (inclusion subject to consideration of representations), after paragraph (b) insert—

> "(c) give the person the opportunity to present evidence and call witnesses at an oral hearing in front of a panel of at least two persons.".

(2) After sub-paragraph (2) of paragraph 3 of that Schedule (behaviour) insert—

"(2A) The right to representation must include the right to present evidence and call witnesses at an oral hearing in front of at least two persons.".

(3) After sub-paragraph (2) of paragraph 5 of that Schedule (risk of harm) insert—

"(2A) The right to representation must include the right to present evidence and call witnesses at an oral hearing in front of at least two persons.".

(4) After sub-paragraph (3) of paragraph 8 of that Schedule (inclusion subject to consideration of representations) after (b) insert—

> "(c) give the person the opportunity to present evidence and call witnesses at an oral hearing in front of a panel of at least two persons.".

(5) After sub-paragraph (2) of paragraph 9 of that Schedule (behaviour) insert—

"(2A) The right to representation must include the right to present evidence and call witnesses at an oral hearing in front of at least two persons.".

(6) After sub-paragraph (2) of paragraph 11 of that Schedule (risk of harm) insert—

"(2A) The right to representation must include the right to present evidence and call witnesses at an oral hearing in front of at least two persons.".'.—*(Diana Johnson.)*

Question put, That the amendment be made.

The House divided: Ayes 221, Noes 290.

Division No. 361] **[7.30 pm**

AYES

Abbott, Ms Diane
Abrahams, Debbie
Ainsworth, rh Mr Bob
Alexander, rh Mr Douglas
Alexander, Heidi
Allen, Mr Graham
Anderson, Mr David
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bain, Mr William
Balls, rh Ed
Banks, Gordon
Barron, rh Mr Kevin
Bayley, Hugh
Beckett, rh Margaret
Begg, Dame Anne
Bell, Sir Stuart
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Blackman-Woods, Roberta
Blenkinsop, Tom
Blomfield, Paul
Bradshaw, rh Mr Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr Nicholas
Brown, Mr Russell
Bryant, Chris
Burden, Richard
Byrne, rh Mr Liam
Campbell, Mr Alan
Campbell, Mr Gregory
Campbell, Mr Ronnie
Chapman, Mrs Jenny
Clark, Katy
Clarke, rh Mr Tom
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Corbyn, Jeremy
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cunningham, Alex
Cunningham, Mr Jim
Cunningham, Tony

Curran, Margaret
Danczuk, Simon
Darling, rh Mr Alistair
David, Mr Wayne
Davidson, Mr Ian
Davies, Geraint
De Piero, Gloria
Denham, rh Mr John
Dobbin, Jim
Dobson, rh Frank
Docherty, Thomas
Dodds, rh Mr Nigel
Donohoe, Mr Brian H.
Dowd, Jim
Doyle, Gemma
Dromey, Jack
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Eagle, Maria
Edwards, Jonathan
Elliott, Julie
Esterson, Bill
Evans, Chris
Fitzpatrick, Jim
Flello, Robert
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Francis, Dr Hywel
Gapes, Mike
Gilmore, Sheila
Glass, Pat
Glindon, Mrs Mary
Godsiff, Mr Roger
Goggins, rh Paul
Goodman, Helen
Greatrex, Tom
Green, Kate
Griffith, Nia
Gwynne, Andrew
Hain, rh Mr Peter
Hamilton, Mr David
Hamilton, Fabian
Hanson, rh Mr David
Harman, rh Ms Harriet
Harris, Mr Tom
Havard, Mr Dai
Healey, rh John
Hendrick, Mark
Hepburn, Mr Stephen
Hillier, Meg
Hilling, Julie
Hodge, rh Margaret
Hood, Mr Jim
Hopkins, Kelvin
Hunt, Tristram
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs Siân C.
Jamieson, Cathy
Jarvis, Dan
Johnson, Diana
Jones, Helen
Jones, Susan Elan
Joyce, Eric
Kaufman, rh Sir Gerald
Kendall, Liz
Khan, rh Sadiq
Lazarowicz, Mark
Leslie, Chris
Llwyd, rh Mr Elfyn
Love, Mr Andrew
Lucas, Ian
Mactaggart, Fiona
Mahmood, Mr Khalid
Mahmood, Shabana
Mann, John
Marsden, Mr Gordon
McCabe, Steve
McCann, Mr Michael
McCarthy, Kerry
McClymont, Gregg
McCrea, Dr William
McDonagh, Siobhain
McDonnell, John
McFadden, rh Mr Pat
McGovern, Alison
McGovern, Jim
McGuire, rh Mrs Anne
McKechin, Ann
McKenzie, Mr Iain
McKinnell, Catherine
Meacher, rh Mr Michael
Mearns, Ian
Michael, rh Alun
Miller, Andrew
Mitchell, Austin
Moon, Mrs Madeleine
Morden, Jessica
Morrice, Graeme *(Livingston)*
Morris, Grahame M.
(Easington)
Mudie, Mr George
Munn, Meg
Murphy, rh Paul
Murray, Ian
Nandy, Lisa
Nash, Pamela
O'Donnell, Fiona
Onwurah, Chi
Osborne, Sandra
Owen, Albert
Paisley, Ian
Pearce, Teresa
Perkins, Toby
Pound, Stephen
Qureshi, Yasmin
Reed, Mr Jamie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Riordan, Mrs Linda
Ritchie, Ms Margaret
Robertson, John
Robinson, Mr Geoffrey
Rotheram, Steve
Roy, Mr Frank
Roy, Lindsay
Ruane, Chris
Sarwar, Anas
Seabeck, Alison
Shannon, Jim
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheridan, Jim
Shuker, Gavin
Simpson, David
Skinner, Mr Dennis
Slaughter, Mr Andy
Smith, rh Mr Andrew
Smith, Angela
Smith, Nick
Smith, Owen
Spellar, rh Mr John
Straw, rh Mr Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr Gerry
Tami, Mark
Thomas, Mr Gareth
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, Valerie
Walley, Joan
Watson, Mr Tom
Watts, Mr Dave
Whitehead, Dr Alan
Wilson, Phil
Wilson, Sammy
Winnick, Mr David
Winterton, rh Ms Rosie
Woodcock, John
Wright, David
Wright, Mr Iain

Tellers for the Ayes:
Nic Dakin and
Graham Jones

NOES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Amess, Mr David
Andrew, Stuart
Arbuthnot, rh Mr James
Bacon, Mr Richard
Baker, Norman
Baker, Steve
Baldry, Tony
Barclay, Stephen
Barker, Gregory
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Beith, rh Sir Alan
Bellingham, Mr Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Bingham, Andrew
Binley, Mr Brian
Blackwood, Nicola
Blunt, Mr Crispin
Boles, Nick
Bradley, Karen
Brady, Mr Graham
Brake, rh Tom
Bray, Angie
Brazier, Mr Julian
Brine, Mr Steve
Brokenshire, James
Brooke, Annette
Browne, Mr Jeremy
Bruce, Fiona
Bruce, rh Malcolm
Buckland, Mr Robert
Burley, Mr Aidan
Burns, Conor
Burns, rh Mr Simon
Burrowes, Mr David
Burstow, Paul
Burt, Alistair
Burt, Lorely
Byles, Dan
Cairns, Alun
Campbell, rh Sir Menzies
Carmichael, rh Mr Alistair
Carmichael, Neil
Carswell, Mr Douglas
Cash, Mr William
Chishti, Rehman
Chope, Mr Christopher
Clappison, Mr James
Clark, rh Greg
Clarke, rh Mr Kenneth
Clifton-Brown, Geoffrey
Colvile, Oliver
Cox, Mr Geoffrey
Crockart, Mike
Crouch, Tracey
Davey, Mr Edward
Davies, David T. C.
(Monmouth)
Davies, Glyn
Davis, rh Mr David
de Bois, Nick
Dinenage, Caroline
Djanogly, Mr Jonathan
Dorries, Nadine
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Ellis, Michael
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Jonathan
Fabricant, Michael
Farron, Tim
Featherstone, Lynne
Francois, rh Mr Mark
Freeman, George
Freer, Mike
Fullbrook, Lorraine
Gale, Mr Roger
Garnier, Mark
George, Andrew
Gibb, Mr Nick
Gilbert, Stephen
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Gray, Mr James
Grayling, rh Chris
Green, Damian
Greening, Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, Ben
Gyimah, Mr Sam
Hague, rh Mr William
Halfon, Robert

Hames, Duncan
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, Matthew
Hancock, Mr Mike
Harper, Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Harvey, Nick
Haselhurst, rh Sir Alan
Hayes, Mr John
Heald, Oliver
Heath, Mr David
Heaton-Harris, Chris
Hemming, John
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hollingbery, George
Hollobone, Mr Philip
Holloway, Mr Adam
Hopkins, Kris
Horwood, Martin
Howell, John
Hughes, rh Simon
Huhne, rh Chris
Huppert, Dr Julian
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margot
Javid, Sajid
Jenkin, Mr Bernard
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Kelly, Chris
Kirby, Simon
Knight, rh Mr Greg
Kwarteng, Kwasi
Latham, Pauline
Laws, rh Mr David
Leadsom, Andrea
Lee, Jessica
Lee, Dr Phillip
Leigh, Mr Edward
Leslie, Charlotte
Letwin, rh Mr Oliver
Lewis, Brandon
Lewis, Dr Julian
Liddell-Grainger, Mr Ian
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Luff, Peter
Macleod, Mary
Main, Mrs Anne
May, rh Mrs Theresa
Maynard, Paul
McCartney, Jason
McCartney, Karl
McIntosh, Miss Anne
McLoughlin, rh Mr Patrick
McPartland, Stephen
McVey, Esther
Mensch, Louise
Menzies, Mark
Mercer, Patrick
Metcalfe, Stephen
Miller, Maria
Mills, Nigel
Milton, Anne
Moore, rh Michael
Morgan, Nicky
Morris, Anne Marie
Morris, James
Mosley, Stephen
Mowat, David
Mulholland, Greg
Munt, Tessa
Murray, Sheryll
Murrison, Dr Andrew
Neill, Robert
Newmark, Mr Brooks
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
Offord, Mr Matthew
Ollerenshaw, Eric
Opperman, Guy
Ottaway, Richard
Parish, Neil
Paterson, rh Mr Owen
Pawsey, Mark
Penning, Mike
Penrose, John
Percy, Andrew
Perry, Claire
Phillips, Stephen
Pincher, Christopher
Poulter, Dr Daniel
Prisk, Mr Mark
Pugh, John
Raab, Mr Dominic
Redwood, rh Mr John
Rees-Mogg, Jacob
Reevell, Simon
Reid, Mr Alan
Robertson, Hugh
Robertson, Mr Laurence
Rogerson, Dan
Rosindell, Andrew
Rudd, Amber
Ruffley, Mr David
Russell, Bob
Rutley, David
Sandys, Laura
Scott, Mr Lee
Selous, Andrew
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simmonds, Mark
Simpson, Mr Keith
Skidmore, Chris
Smith, Miss Chloe
Smith, Henry
Smith, Julian
Smith, Sir Robert
Soames, rh Nicholas
Soubry, Anna
Spelman, rh Mrs Caroline
Spencer, Mr Mark
Stanley, rh Sir John
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, Mel
Stuart, Mr Graham
Stunell, Andrew
Sturdy, Julian
Swayne, rh Mr Desmond
Swinson, Jo
Swire, rh Mr Hugo
Syms, Mr Robert
Tapsell, rh Sir Peter
Timpson, Mr Edward
Tomlinson, Justin
Truss, Elizabeth
Turner, Mr Andrew
Uppal, Paul
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Robin
Wallace, Mr Ben
Walter, Mr Robert
Ward, Mr David
Watkinson, Angela
Weatherley, Mike
Webb, Steve
Wheeler, Heather
White, Chris
Whittaker, Craig
Wiggin, Bill
Williams, Mr Mark
Williams, Roger
Williams, Stephen
Williamson, Gavin
Willott, Jenny
Wilson, Mr Rob
Wollaston, Dr Sarah
Wright, Jeremy
Wright, Simon
Yeo, Mr Tim
Young, rh Sir George
Zahawi, Nadhim

Tellers for the Noes:
Stephen Crabb and
Norman Lamb

Question accordingly negatived.

Clause 76

MINOR AMENDMENTS

Amendment made: 22, page 64, line 16, at end insert—

'(6) After paragraph 5 of Schedule 4 to that Act (regulated activity relating to children) insert—

"Guidance

5A (1) The Secretary of State must give guidance for the purpose of assisting regulated activity providers and personnel suppliers in deciding whether supervision is of such a kind that, as a result of paragraph 1(2B)(b), 2(3A) or 2(3B)(b), the person being supervised would not be engaging in regulated activity relating to children.

(2) Before giving guidance under this paragraph, the Secretary of State must consult the Welsh Ministers.

(3) The Secretary of State must publish guidance given under this paragraph.

(4) A regulated activity provider or a personnel supplier must, in exercising any functions under this Act, have regard to guidance for the time being given under this paragraph."'.—*(Lynne Featherstone.)*

Clause 87

TRANSFER SCHEMES IN CONNECTION WITH ORDERS UNDER SECTION 85

Amendments made: 23, page 70, line 43, leave out from beginning to end of line 2 on page 71 and insert—

'(7) For the purposes of this section—

(a) references to rights and liabilities of ISA include references to rights and liabilities of ISA relating to a contract of employment, and

(b) references to rights and liabilities of the Secretary of State include references to rights and liabilities of the Crown relating to the terms of employment of individuals in the civil service.

(7A) Accordingly, a transfer scheme may, in particular, provide—

(a) for an employee of ISA or (as the case may be) an individual employed in the civil service to become an employee of DBS,

(b) for the individual's contract of employment with ISA or (as the case may be) terms of employment in the civil service to have effect (subject to any necessary modifications) as the terms of the individual's contract of employment with DBS,

(c) for the transfer to DBS of rights and liabilities of ISA or (as the case may be) the Crown under or in connection with the individual's terms of employment.'.

Amendment 24, page 71, leave out lines 8 and 9.—*(Lynne Featherstone.)*

Clause 97

INTERPRETATION: CHAPTER 4

Amendment made: 25, page 77, line 22, at end insert—

'(7) For the purposes of subsections (5) and (6) an attempt to commit an offence includes conduct which—

(a) consisted of frequenting with intent to commit the offence any river, canal, street, highway, place of public resort or other location mentioned in section 4 of the Vagrancy Act 1824 (as it then had effect) in connection with frequenting by suspected persons or reputed thieves, and

(b) was itself an offence under that section.'.—*(Lynne Featherstone.)*

Schedule 7

SAFEGUARDING OF VULNERABLE GROUPS: NORTHERN IRELAND

Amendment made: 63, page 144, line 26, at end insert—

'(6) After paragraph 5 of Schedule 2 to that Order (regulated activity relating to children) insert—

"*Guidance*

5A (1) The Secretary of State must give guidance for the purpose of assisting regulated activity providers and personnel suppliers in deciding whether supervision is of such a kind that, as a result of paragraph 1(2B)(b), 2(3A) or 2(3B)(b), the person being supervised would not be engaging in regulated activity relating to children.

(2) The Secretary of State must publish guidance given under this paragraph.

(3) A regulated activity provider or a personnel supplier must, in exercising any functions under this Order, have regard to guidance for the time being given under this paragraph."'.—*(Lynne Featherstone.)*

Schedule 8

DISCLOSURE AND BARRING SERVICE

Amendment made: 64, page 148, line 23, at end insert—

'*Use of information*

15A Information obtained by DBS in connection with the exercise of any of its functions may be used by DBS in connection with the exercise of any of its other functions.'.—*(Lynne Featherstone.)*

New Clause 13

EMERGENCY POWER FOR TEMPORARY EXTENSION AND REVIEW OF EXTENSIONS

'(1) After Part 3 of Schedule 8 to the Terrorism Act 2000 (extension of detention of terrorist suspects) insert—

PART 4

EMERGENCY POWER WHEN PARLIAMENT DISSOLVED ETC. FOR TEMPORARY EXTENSION OF MAXIMUM PERIOD FOR DETENTION UNDER SECTION 41

38 (1) The Secretary of State may make a temporary extension order if—

(a) either—

(i) Parliament is dissolved, or

(ii) Parliament has met after a dissolution but the first Queen's Speech of the Parliament has not yet taken place, and

(b) the Secretary of State considers that it is necessary by reason of urgency to make such an order.

(2) A temporary extension order is an order which provides, in relation to the period of three months beginning with the coming into force of the order, for paragraphs 36 and 37 to be read as if—

(a) in paragraph 36(3)(b)(ii) for "14 days" there were substituted "28 days", and

(b) the other modifications in sub-paragraphs (3) and (4) were made.

(3) The other modifications of paragraph 36 are—

(a) the insertion at the beginning of sub-paragraph (1) of "Subject to sub-paragraphs (1ZA) to (1ZI),",

(b) the insertion, after sub-paragraph (1), of—

(1ZA) Sub-paragraph (1ZB) applies in relation to any proposed application under sub-paragraph (1) for the further extension of the period specified in a warrant of further detention where the grant (otherwise than in accordance with sub-paragraph (3AA)(b)) of the application would extend the specified period to a time that is more than 14 days after the relevant time.

(1ZB) No person may make such an application—

(a) in England and Wales, without the consent of the Director of Public Prosecutions,

(b) in Scotland, without the consent of the Lord Advocate, and

(c) in Northern Ireland, without the consent of the Director of Public Prosecutions for Northern Ireland,

unless the person making the application is the person whose consent is required.

(1ZC) The Director of Public Prosecutions must exercise personally any function under sub-paragraph (1ZB) of giving consent.

(1ZD) The only exception is if—

(a) the Director is unavailable, and

(b) there is another person who is designated in writing by the Director acting personally as the person who is authorised to exercise any such function when the Director is unavailable.

(1ZE) In that case—

(a) the other person may exercise the function but must do so personally, and

(b) the Director acting personally—

(i) must review the exercise of the function as soon as practicable, and

(ii) may revoke any consent given.

(1ZF) Where the consent is so revoked after an application has been made or extension granted, the application is to be dismissed or (as the case may be) the extension is to be revoked.

(1ZG) Sub-paragraphs (1ZC) to (1ZF) apply instead of any other provisions which would otherwise have enabled any function of the Director of Public Prosecutions under sub-paragraph (1ZB) of giving consent to be exercised by a person other than the Director.

(1ZH) The Director of Public Prosecutions for Northern Ireland must exercise personally any function under sub-paragraph (1ZB) of giving consent unless the function is exercised personally by the Deputy Director of Public Prosecutions for Northern Ireland by virtue of section 30(4) or (7) of the Justice (Northern Ireland) Act 2002 (powers of Deputy Director to exercise functions of Director).

(1ZI) Sub-paragraph (1ZH) applies instead of section 36 of the Act of 2002 (delegation of the functions of the Director of Public Prosecutions for Northern Ireland to persons other than the Deputy Director) in relation to the functions of the Director of Public Prosecutions for Northern Ireland and the Deputy

Director of Public Prosecutions for Northern Ireland under, or (as the case may be) by virtue of, sub-paragraph (1ZB) above of giving consent.",

(c) the substitution, for "a judicial authority" in sub-paragraph (1A), of "—

(a) in the case of an application falling within sub-paragraph (1B), a judicial authority; and

(b) in any other case, a senior judge",

(d) the insertion, after sub-paragraph (1A), of—

(1B) An application for the extension or further extension of a period falls within this sub-paragraph if—

(a) the grant of the application otherwise than in accordance with sub-paragraph (3AA)(b) would extend that period to a time that is no more than 14 days after the relevant time; and

(b) no application has previously been made to a senior judge in respect of that period.",

(e) the insertion, after "judicial authority" in both places in sub-paragraph (3AA) where it appears, of "or senior judge",

(f) the insertion, after "detention" in sub-paragraph (4), of "but, in relation to an application made by virtue of sub-paragraph (1A)(b) to a senior judge, as if—

(a) references to a judicial authority were references to a senior judge; and

(b) references to the judicial authority in question were references to the senior judge in question",

(g) the insertion, after "judicial authority" in sub-paragraph (5), of "or senior judge", and

(h) the insertion, after sub-paragraph (6), of—

(7) In this paragraph and paragraph 37 "senior judge" means a judge of the High Court or of the High Court of Justiciary."

(4) The modification of paragraph 37 is the insertion, in sub-paragraph (2), after "judicial authority", of "or senior judge".

(5) A temporary extension order applies, except so far as it provides otherwise, to any person who is being detained under section 41 when the order comes into force (as well as any person who is subsequently detained under that section).

(6) The Secretary of State may by order revoke a temporary extension order if the Secretary of State considers it appropriate to do so (whether or not the conditions mentioned in paragraphs (a) and (b) of sub-paragraph (1) are met).

(7) Sub-paragraph (8) applies if—

(a) any of the following events occurs—

(i) the revocation without replacement of a temporary extension order,

(ii) the expiry of the period of three months mentioned in sub-paragraph (2) in relation to such an order,

(iii) the ceasing to have effect of such an order by virtue of section 123(6A) and (6B), and

(b) at that time—

(i) a person is being detained by virtue of a further extension under paragraph 36,

(ii) the person's further detention was authorised by virtue of the temporary extension order concerned (before its revocation, expiry or ceasing to have effect) for a period ending more than 14 days after the relevant time (within the meaning given by paragraph 36(3B)),

(iii) that 14 days has expired, and

(iv) the person's detention is not otherwise authorised by law.

(8) The person with custody of that individual must release the individual immediately.

(9) Subject to sub-paragraphs (7) and (8), the fact that—

(a) a temporary extension order is revoked,

(b) the period of three months mentioned in sub-paragraph (2) has expired in relation to such an order, or

(c) such an order ceases to have effect by virtue of section 123(6A) and (6B),

is without prejudice to anything previously done by virtue of the order or to the making of a new order."

(2) After section 123(6) of that Act (orders and regulations under the Act) insert—

"(6A) An order under paragraph 38 of Schedule 8 is to cease to have effect at the end of the period of 20 days beginning with the day on which the Secretary of State makes the order, unless a resolution approving the order is passed by each House of Parliament during that period.

(6B) For the purposes of subsection (6A) the period of 20 days is to be computed in accordance with section 7(1) of the Statutory Instruments Act 1946."

(3) After section 36(4) of the Terrorism Act 2006 (review of terrorism legislation) insert—

"(4A) The person appointed under subsection (1) must ensure that a review is carried out (whether by that person or another person) into any case where the period specified in a warrant of further detention issued under Part 3 of Schedule 8 to the Terrorism Act 2000 (extension of detention of terrorist suspects) is further extended by virtue of paragraph 36 of that Schedule to a time that is more than 14 days after the relevant time (within the meaning of that paragraph).

(4B) The person appointed under subsection (1) must ensure that a report on the outcome of the review is sent to the Secretary of State as soon as reasonably practicable after the completion of the review.""—*(James Brokenshire.)*

Brought up, and read the First time.

7.45 pm

James Brokenshire: I beg to move, That the clause be read a Second time.

Madam Deputy Speaker (Dawn Primarolo): With this it will be convenient to discuss the following:

New clause 14—*Extension of pre-charge detention*—

'(1) The Secretary of State may by order extend the permitted period of detention under section 41 and Schedule 8 of the Terrorism Act 2000 to 28 days if the Attorney General has certified that exceptional circumstances apply;

(2) An order made under subsection (1) shall expire three months after commencement;

(3) The Secretary of State must arrange for a statement to be made to each House of Parliament as soon as possible once an order under subsection (1) has been made.

(4) A review of each order made under subsection (1) must be conducted by the Independent Reviewer of Terrorism Legislation, or a person appointed by him, and each review must be published as soon as any risk of prejudice to judicial proceedings has ceased to exist.

(5) Every year, the Secretary of State must lay before Parliament a report listing any orders made under subsection (1) since the commencement of this section, or since the date of the previous report as the case may be, explaining what exceptional circumstances applied in each case; and if—

(a) six weeks have elapsed from the report being laid, without the report being approved by a resolution of each House of Parliament, or

(b) either House of Parliament declines to approve the report by resolution

this section, and any order made under subsection (1), shall cease to have effect.

(6) When an order under subsection (1) is in force, a High Court judge may extend the period of detention without charge of any person arrested under section 41 of the Terrorism Act 2000 up to 28 days if he is satisfied that—

(a) the person has been lawfully arrested on reasonable suspicion of having committed a specified terrorist offence;

(b) it would be exceptionally difficult to decide whether to charge the suspect with a terrorist offence unless the suspect were to be detained without charge for more than 14 days;

(c) there are reasonable grounds for expecting that it would be possible to decide whether to charge the suspect with a terrorist offence if he were detained without charge for more than 14 days but no more than 28 days; and

(d) the public interest in the administration of justice would be undermined if the suspect were to be released without charge.

(7) An application to the High Court under subsection (6) requires the authorisation of the Director of Public Prosecutions.'.

Government amendments 79, 80 and 75.

James Brokenshire: The coalition's programme for government committed the Government to reviewing counter-terrorism legislation. Included in this broad review was the issue of pre-charge detention. The Government are committed to making our counter-terrorism powers fairer and more effective, and they announced in January 2011 that, following the results of the review of counter-terrorism and security powers, the limit on pre-charge detention for terrorist suspects should be reduced to 14 days. The 28 days order was always meant to be an exceptional provision; it had become the norm. The Government are not prepared to allow this to continue. The last 28 days order was therefore allowed to lapse on 24 January. The maximum limit for pre-charge detention is now 14 days.

There was a recognition—I will come on to this in the context of the counter-terrorism review—that it might be necessary in an emergency, in exceptional circumstances, for pre-charge detention to be extended back up to 28 days, and it was for that reason that the Government introduced fast-track legislation to pre-legislative scrutiny. I will come on to the pre-legislative scrutiny in due course, recognising that right hon. and hon. Members from the Joint Committee are here this evening, and I look forward to their contributions in this debate.

Alun Michael (Cardiff South and Penarth) (Lab/Co-op): I want to clarify one point that is not dealt with in the Home Secretary's response to the Committee's report, although it was dealt with when she came before the Committee to give evidence. It is silent on a point that is central to the issue—the fact that an extension of detention can be made only if more time is required for investigation and in order to bring cases before the court, and is not intended to be some form of preventive detention. Will the Minister confirm that that is still the Government's view? It frames the whole of the discussion from that point on.

James Brokenshire: The right hon. Gentleman is absolutely right about the evidence that the Home Secretary gave to the Joint Committee, and I am happy to confirm that that retains and maintains the Government's position on the use of the fast-track legislation and the emergency provisions that we have talked about.

New clause 13 introduces an urgent order-making power for the Secretary of State temporarily to increase the maximum period of pre-charge detention for terrorist suspects under schedule 8 of the Terrorism Act 2000 from 14 days to 28 days in very limited circumstances.

An order may be made only where the Secretary of State considers that to be necessary, by reason of urgency. This is an emergency power exercisable only when Parliament is dissolved, or in the period before the Queen's Speech following the Dissolution of Parliament.

As I have said already, the counter-terrorism review that the Government initiated, which reported at the start of the year, concluded that the limit on pre-charge detention for terrorist suspects should be set at 14 days and that this should be reflected in primary legislation, which is what we have in the Bill. The counter-terrorism review, after examining the options for dealing with the emergency situation, stated that emergency legislation extending the period of pre-charge detention to 28 days should be drafted and discussed with the Opposition but not introduced, in order to deal with urgent situations in which more than 14 days is considered necessary, for example in response to multiple co-ordinated attacks and/or during multiple, large and simultaneous investigations. Lord Macdonald, who was the independent reviewer of the Government's counter-terrorism analysis, agreed with that, stating:

> "It is my clear conclusion that the evidence gathered by the Review failed to support a case for 28 day pre-charge detention. No period in excess of 14 days has been sought by police or prosecutors since 2007, and no period in excess of 21 days has been sought since 2006…I agree with the Review's conclusion that the risk of an exceptional event, requiring a temporary return to 28 days, is best catered for by having emergency legislation ready for placing before Parliament in that eventuality. This is the option most strongly supported by the evidence gathered by the Review."

Alun Michael: I am following the logic of what the Minister says very carefully. He referred to multiple attacks and multiple investigations. Does he accept that multiple attacks in themselves would not justify the use of the power, and that it is the weight of investigation and preparation of cases that would be the trigger? I know that this sounds a little like dancing on the head of a pin, but I hope that he will accept that clarity here is crucial to an understanding of what the Government intend.

James Brokenshire: The right hon. Gentleman will obviously have seen the Home Secretary's response to the Joint Committee's report. In relation to legislating for exceptional circumstances, the Committee agrees that it does not make sense to have an exhaustive list. She set out three broad scenarios in which a longer period of pre-charge detention may be necessary in response to a fundamental change in the threat environment: first, when the police and Crown Prosecution Service anticipate that multiple, complex and simultaneous investigations would necessitate 28 days' detention; secondly, during an investigation or series of investigations—but before arrests—that were so complex or significant that 14 days was not considered sufficient; and thirdly, during an investigation but after arrests had taken place. That was how the Home Secretary framed it, and that is the scenario and the analysis that we would point to in this context—although the Joint Committee did set out some other thoughts on exceptional circumstances, which the Home Secretary and the Government welcome as a helpful guide for supplementing the analysis that she set

[James Brokenshire]

out in the three points to which I have already alluded. Therefore, I think that it is helpful to Parliament to have the additional points referred to in the Joint Committee's report available to inform consideration in this regard.

Nicola Blackwood: Will my hon. Friend give some indication of the role that operational independence will have in considering when investigations have become so complex and difficult that the police will require the extended period in order to complete their investigations?

James Brokenshire: I will cover that point in further detail in the latter part of my contribution, but I will say that the distinction between individual cases and legislating for the generality, and the need to make a clear distinction between the two, was something that the Joint Committee rightly scrutinised in that context. We believe that it is possible to draw the distinction between an individual case with individual circumstances, and legislating on a need to extend pre-charge detention from 14 days to 28 days as a principle. In order to plan for such circumstances, the Government have published, but not introduced, draft emergency legislation that would increase the maximum period from 14 days to 28 days, which has been subject to the scrutiny of the Joint Committee.

Rehman Chishti (Gillingham and Rainham) (Con): I have heard the words "exceptional circumstances" used. Am I right in saying that including those words strikes the right balance between defending civil liberties and protecting the British public?

James Brokenshire: I think that is right. In many ways it is why the Government have taken the approach that we have. Ultimately, it would be for the House to decide whether the circumstances justified the introduction of the emergency legislation. That is an important protection, and represents the underlying distinction in the Government's approach.

Hon. and right hon. Members who sat on the Public Bill Committee will recall that we had extensive debates in Committee on what the maximum period should be, in what circumstances the Government might seek to extend that period, and what kind of contingency mechanism they might employ to extend the maximum period. As I said then, the Government have prepared draft fast-track legislation, which at the time was subject to pre-legislative scrutiny. The Joint Committee undertaking that scrutiny reported in June, and I am grateful to Lord Armstrong of Illminster and the other members of the Committee for their careful consideration.

Mr William Cash (Stone) (Con): Does the Minister believe that habeas corpus itself is in any way affected by the proposals before the House in the new clause, and does habeas corpus not, as Lord Steyn has said repeatedly, supervene against any other jurisdiction, provided that its operation is not excluded by statute?

James Brokenshire: I know that that is a particular concern for my hon. Friend, but we do not think that it is engaged in that way. I know that he has introduced a Bill previously on this subject, but the clear advice I have received is that the answer is no.

Although the Government still believe that fast-track legislation is the most appropriate contingency mechanism for increasing the maximum period of pre-charge detention, we recognise that, as the Committee pointed out, that approach would not be feasible during any period when Parliament was dissolved. No contingency mechanism will be perfect or able to meet all operational needs while at the same time satisfying every concern that Parliament and the public might have, but we recognised the point raised by the Committee about what would happen if Parliament were dissolved. New clause 13 has been introduced to address that specific concern.

I am aware that the Committee concluded that the Government's intention to rely on fast-track legislation for other periods was not appropriate, citing potential problems with parliamentary debates and possible difficulties with recalling Parliament during a long recess. New clause 14, tabled by the right hon. Member for Wythenshawe and Sale East (Paul Goggins), attempts to deal with that issue by introducing an order-making power to increase the maximum period of pre-charge detention, which would be available when the Attorney-General certified that exceptional circumstances applied. The new clause also includes a number of proposed safeguards relating to that power, including retrospective parliamentary approval and a number of conditions that would have to be satisfied before a High Court judge could approve any individual applications for extended detention up to 28 days.

I very much welcome the continuation of the debates that the right hon. Gentleman and I have had over terrorism legislation, and many of the themes that come through in this debate were apparent in our debates on the Terrorism Prevention and Investigation Measures Bill, the enhanced regime and the provisions that it introduced. I think that it is right and proper that we have the debate on the issue in this Bill, particularly as the Joint Committee's investigation related to the emergency draft legislation to which the Bill is in essence connected with regard to an increase from 14 to 28 days. However, we believe that the exceptional nature of these powers to extend the maximum period beyond 14 days means that, where feasible, the principle of 28- day detention should be debated and approved by Parliament.

In response to the Joint Committee's report, the Home Secretary said:

> "An order-making power of the type described in the Committee's report"—

and in many ways reflected in the new clause that the right hon. Member for Wythenshawe and Sale East has tabled—

> "would…not be a clear expression that the 'normal' maximum period of pre-charge detention should be no longer than 14 days."

She went on to say:

> "28 day detention is so exceptional that I continue to believe that Parliament should have the opportunity to debate the issue first, and that the most appropriate and effective way to do this is by using emergency primary legislation."

8 pm

Sir Menzies Campbell (North East Fife) (LD): The Government have opted for legislation rather than for the order-making procedure, but by introducing new clause 13 the Minister demonstrates that the legislative approach is a principle that can be departed from in certain circumstances. The Committee found that an essential way to create a pragmatic response would be to apply the order-making procedure in all circumstances. So far, the Government's response on the matter has been exiguous to say the least.

The first problem is that if we recalled Parliament for a statement and a debate, we would be doing something quite different from recalling Parliament in order to make primary legislation, remembering that that would have had to pass through not only this House but the other place. But there is a further point, and it seems even more significant as a matter of principle. How could one be assured that, in the course of a debate here about such primary legislation, nothing would take place that did not have the effect of prejudicing the right to a fair trial?

James Brokenshire: Parliament has shown itself capable in the past of conducting debates about sensitive issues and of being recalled quickly in exceptional circumstances. The current consideration of issues such as phone hacking illustrates how Parliament can consider and discuss very sensitive issues, and Parliament's response to the riots over the summer also highlighted the fact that it is possible for the House to be recalled and to return at very short notice.

We return, however, to the principle that maintaining 14 days in primary legislation, rather than having a general order-making power, represents a clear expression of the very exceptional nature of the powers sought, gives Parliament the opportunity to debate the issues and, crucially, avoids 28 days becoming the maximum by default, as it appeared to be under the previous Government.

Alun Michael: I accept the hon. Gentleman's point, and I do not think that anybody is arguing for access to periods in excess of 14 days in normal circumstances. The principle that he underlines is absolutely right, but the problem with a debate by the House of Commons is that the evidence of the need for a longer period will be based only on a specific case or number of cases. If we have a massive number of cases, we will get away from the individual case, but that is an unlikely circumstance, and if the need for detention beyond 14 days relates just to one case, or to two or three, it is almost impossible to envisage a debate that would not refer to them—so what would be the point of such a debate?

James Brokenshire: That point was considered in the counter-terrorism review, and the view clearly expressed was that the debates and consideration would need to be handled carefully, but in our judgment that does not make the process impossible; far from it. Indeed, as I have told the House, Lord Macdonald, in his review of counter-terrorism, said that that was the appropriate way to proceed, reflecting what I have said about telegraphing very clearly the norm: 14 days, rather than 28 days. Therefore, we judge that this measure is the appropriate way forward, but no contingency mechanism will be perfect and meet all the needs of everybody. We do believe, however, that it is workable and practical, and underlines most clearly the norm for pre-charge detention.

Nicola Blackwood: In addition to the question of whether it is appropriate for Parliament to be the body that debates the conferring of exceptional powers, is it not also significant that what will be discussed is an exceptional threat to the nation? Is it not appropriate to recall Parliament to discuss that? Should not we be required to confer exceptional powers?

James Brokenshire: I have already said that on this matter neither I nor the Home Secretary feel that crystal ball-gazing is appropriate, but we are looking at exceptional circumstances, and as I have said the process can be handled and managed by the House. We have seen circumstances in which matters have been handled sensitively, and, although we recognise that that issue is a factor, we think that it can be addressed through the consideration of emergency legislation and the recall of Parliament.

Importantly, we have allowed scrutiny of the draft Bill, its operation and functions, so, if it is necessary to take legislation through the House, such deliberation and consideration will be aided by the scrutiny and exceptional work that the Joint Committee has already undertaken.

Alun Michael: I am grateful to the hon. Gentleman for giving way, because he is dealing with important issues. He is right about scrutiny, but it cannot simply be the threat that leads to the power before us being brought in. That would apply to prevention of terrorism legislation, to the Emergency Powers Act 1964 and so on, but in relation to this power only the investigation and preparation of specific cases and the need for additional time can justify the use of such legislation. The House can be sensitive and, in some circumstances, speedy, but surely the Minister accepts that in the consideration of such matters there is a fault line which is problematic for the Government and for the House.

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. We need shorter interventions, as we still have a lot of business to go.

James Brokenshire: The Joint Committee set out that point very clearly in its report, and we have heard it, but we believe that a distinction can be drawn between the principle of extending 14 days to 28 days and the consideration of an individual case—and that it is entirely possible and practical for the House to do so.

I appreciate that in considering a detention of terrorism suspects (temporary extensions) Bill, Parliament would not be able to discuss matters relating to particular individuals or anything that might compromise an investigation or a future prosecution, but it is important to recognise the clear difference between Parliament's considering whether 28-day detention should be available in principle and the judiciary's role in determining whether in an individual case to extend a detention warrant under schedule 8 to the 2000 Act. Parliament would not take a decision about an individual suspect or suspects; that would be a decision for the proper judicial process.

Parliament would take a decision about the principle of 28 days in a given set of circumstances, which would be explained in as much detail as possible. Parliament would also be able to discuss in general the issues of the threat and the reasons why an increased threat might require a longer maximum detention period.

Mr Cash: I am sure the Minister appreciates that he is treading a rather wobbly line, because clause 57 talks about a permanent reduction in the maximum detention period to 14 days, yet, during the rather special circumstances when Parliament is not sitting or has been dissolved, he is prepared to countenance the idea of an emergency arrangement that would produce 28 days. I happen to be in favour of more than 14 days, but is it not the case that, ultimately, the test should be what is in the interests of the security of the nation, and that, if it is good enough to extend 14 days to 28 in such circumstances, it should apply or could apply generally?

James Brokenshire: We come back to what I spoke about—the exceptional nature of the powers sought and the point that 14 days should be the norm. Through the new clause, we seek to address the very limited circumstances in which Parliament is not functioning, and we recognise and take on board the Joint Committee's comments on that. In those circumstances, the Home Secretary and the Government need to be able to act in the national interest to ensure security. For that reason, the emergency order-making power in new clause 13 is limited to periods when the introduction of primary legislation would not be possible—that is, when Parliament is dissolved or before the first Queen's Speech of the new Parliament.

As we set out in the Government's response, published last week, to the Joint Committee's report, we welcome two of the Committee's further recommendations for increased safeguards, and we have included them in new clause 13. First, applications for any warrant of further detention that would see an individual detained for longer than 14 days may be made only with the personal consent of the Director of Public Prosecutions or the equivalent post holder in Scotland or Northern Ireland. Secondly, whenever an individual is detained for longer than 14 days, their case will be reviewed by the independent reviewer of terrorism legislation, or someone on their behalf, and a report of that review will be sent to the Secretary of State as soon as possible.

Both those changes will also be incorporated in the draft fast-track legislation to increase the maximum length of pre-charge detention to 28 days. New clause 13 and consequential amendments 79 and 80 ensure that there is an effective contingency mechanism for increasing the maximum period of pre-charge detention in the limited period during which Parliament is dissolved. It is right that we should continue to rely on fast-track primary legislation in all other circumstances. On that basis, I commend new clause 13 to the House.

Chris Bryant (Rhondda) (Lab): I will start with some general comments and then come directly to the amendments and new clauses. Obviously, this is the first time that I have spoken about these matters in a shadow ministerial capacity, and I want to underline the fact that Her Majesty's loyal Opposition remain loyal on these issues. It is often said—just because it is a truism does not make it untrue—that the single most important thing that a Government have to do is protect their citizens, and we fully accept that.

It was said earlier that it is important to balance the security of the nation and civil liberties. I disagree with the framing of the debate in that way, because I think that the two are intertwined—someone has personal liberty only if they are safe and feel it, but they have liberty only if those particular liberties are granted to them as well. I would try to say that the two are not mutually exclusive, but intimately intertwined.

Outside London, people often think that issues of counter-terrorism are primarily the responsibility of the Metropolitan police and to do with what happens in the metropolitan areas of the country. However, I clearly remember that after 11 September, when Americans stopped flying, people were laid off at GE Aviation in Nantgarw just outside my constituency because it did not need to make any more aircraft engines. We are all intimately involved. Following the bombings in London, all the schools in my constituency cancelled their visits to Westminster for about a year, because there was a nervousness about coming up to London. We need to get these issues right.

8.15 pm

On the specific issue, I think that the Government have got themselves into something of a conundrum. There are plenty of issues on which we now fundamentally agree. Broadly speaking, everybody agrees that the norm should be 14 days—indeed, we would prefer it if all 14 days were not used; it is a fundamental principle that as soon as it is possible to bring charges, those charges should be brought and the system of criminal justice then proceeds. Whenever somebody is detained pre-charge, that is ostensibly an embarrassment at least and an undermining of that person's civil liberties.

As the Government's amendments on what would happen in Dissolution reveal, it is universally accepted that there may be exceptional circumstances in which we would need to go beyond 14 days. Many have speculated about them; my right hon. Friend the Member for Cardiff South and Penarth (Alun Michael) mentioned, for instance, when a large number of cases come simultaneously or when it is particularly difficult to gather some of the evidence pre-charge—for example, if a person who was part of a plot left the country and had to be brought back. After 7/7, the European arrest warrant helped us, as we were able to bring people back from Italy much faster than we could have done otherwise.

The Government would not have advanced the power-making role during Dissolution unless they accepted that there might be exceptional circumstances. However, they do not want to provide in statute now for making such a power available to the Secretary of State, however corralled around it is by protective measures. That is where they have got themselves into a bit of a problem.

The power to dissolve Parliament and, for that matter, the power to hold the Queen's Speech, is held by the Crown, by Government. It seems bizarre that in that exceptional moment, when the Government have more power than at any other time, we would give them the power to allow an extension to 28 days—corralled around in the various ways that the Minister provided for—but not in other circumstances, when Parliament can hold the Crown to account. The amendment relating to the power of Dissolution is ludicrously over-complicated. It certainly would not pass any "easy English" rule, given the number of sub-clauses and intricacies.

Sir Menzies Campbell: What's new?

Chris Bryant: Indeed—but we are trying to do better, and I honestly think that there is a danger. At that time, when there would be a Government but not a Parliament, we would end up with something of a constitutional crisis if the Government chose to delay having a Queen's Speech to invoke the power, notwithstanding the other elements to which the Minister referred.

Then there is the route of emergency primary legislation. The right hon. and learned Member for North East Fife (Sir Menzies Campbell) referred to the dangers, and he is absolutely right. Obviously, there would be a series of debates in this and the other House, because we would have to go through all three stages in both Houses. I cannot conceive of a set of debates in which one would not get close to having to argue why it was all necessary now and therefore it would not be prejudicing any potential prosecution. That is the Government's big problem about the route of emergency legislation.

I should also say that, on the whole, emergency legislation is a bad idea. In my experience, the Commons does not do emergency legislation well, and their lordships do not do it much better. I presume that the Minister would want all three stages in both Houses in one day, or at most two. There are real problems with that, because Members would have to be able to table manuscript amendments on Report and would not be able to listen to the Second Reading debate before considering the tabling of amendments. All that would be in danger of leading to bad legislation.

James Brokenshire: I welcome the hon. Gentleman to his position and wish him well in his new responsibilities and duties. Does he accept that when the previous Government were considering the extension to 42 days, they were proposing to use exactly the same mechanism?

Chris Bryant: I think we have moved on somewhat; certainly I have. Also, the facts have changed. There was a time when a lot more people feared much more that we might need more than 14 days rather more frequently, but the fact is that the powers have not been used—they have not been necessary. The facts have changed, time has passed, and we need to move on. I am grateful for the Minister's wishing me well, with a slight barb to it.

The Minister said that in the case of phone hacking the House moved remarkably swiftly. In fact, all that happened was Executive action, because the Government were finally persuaded that they should set up the Leveson inquiry. Parliament did absolutely nothing. We did not legislate; we certainly did not go through three stages of a Bill. We may end up legislating in that respect, but it will not happen for some time.

We have had the pre-legislative scrutiny process, and I am grateful to the right hon. and hon. Members who sat on the Committee. However, there is still the danger that following the moment that necessitated emergency legislation—I do not know whether that would be 10, 11 or 12 days in—we would effectively be undertaking ad exemplum legislation, which is always a mistake. I sympathise with the squaring of the circle that the Government are trying to achieve whereby we all accept that the norm should be 14 days, and while in normal circumstances we do not want all those 14 days to be used, we none the less accept that there might be some exceptional circumstances in which 20 days might be necessary. However, I believe that the Government are going down the wrong route in trying to achieve that, as does the pre-legislative scrutiny Committee, which said:

> "We believe, however, that the parliamentary scrutiny of primary legislation to this effect would be so circumscribed by the difficulties of explaining the reasons for introducing it without prejudicing the rights of a suspect or suspects to a fair trial as to make the process of justifying the legislation almost impossible for the Secretary of State and totally unsatisfactory and ineffective for Members of both Houses of Parliament."

Mr David Winnick (Walsall North) (Lab): As someone who does not have to move on from 42 days, having taken, in my view, the right decision at the time—and previously on 90 days—like my hon. Friend I have the greatest reservations about emergency legislation all in one day. If it is to be detention without charge for 14 days, which, like him, I certainly welcome, I would vote against any measure that the Government clearly have in mind whereby it would be 14 days-plus. That would be totally unsatisfactory, for all the reasons he has cited.

Chris Bryant: I think that "I told you so" came at the beginning of my hon. Friend's comments. Quite often he does turn out to be more correct than me, but there we go—that's life.

I can imagine a point where we are nine days into somebody's detention and then the Government realise that they need their emergency legislation. They would not be able to start that process until the 11th day, and then they would suddenly be saying, "Right, we've got to put it all through this House and the other House in one day." That leads to very dangerous decision making, and it is a bad route to go down. It would be a mistake for us to decide in principle that that is what we want to do in some given circumstance. That is why I prefer the route advanced by my right hon. Friends the Members for Cardiff South and Penarth and for Wythenshawe and Sale East (Paul Goggins), the right hon. and learned Member for North East Fife (Sir Menzies Campbell), the right hon. Member for East Yorkshire (Mr Knight), and the hon. Member for Poole (Mr Syms) and for Banbury (Tony Baldry). Having said that, we still need to resolve some of the issues about the level of corralling needed to ensure that the power is not used gratuitously, that the Secretary of State is not able to proceed unhindered, and so on.

Tom Brake (Carshalton and Wallington) (LD): Has the hon. Gentleman already thought through what some of the safeguards should be to ensure that the Secretary of State does not use the provision as an administrative facility to progress from 14 to 28 days?

Chris Bryant: New clause 14 makes clear some of the specifics involved. If the Government have things they think should be additional, that debate needs to be had. I suspect that this will not be the end of the matter in this House and that their lordships will want to look very closely at whether there is a better route to achieve the same end.

Nobody is trying to end up in a different place in this regard, but the process of emergency legislation that the Government are using is a mistake. In essence, they have already accepted the principle that there should, in exceptional circumstances, be an additional power.

[Chris Bryant]

They have accepted that in relation to Dissolution and effectively said that it should be present at other times. The issue is simply about how we make sure that the Secretary of State, if he or she were to have that power, would then be circumscribed by Parliament and by other bodies. Undoubtedly, High Court judges and the Director of Public Prosecutions make decisions that do not allow the Secretary of State to act gratuitously. However, we prefer the route that new clause 14 lays out, and I hope that the Government will think again. I do not expect that we will want to divide the House on this matter, but I hope that their lordships will look at it again.

Mr Cash: I will speak briefly because I have already gone through this issue on a number of occasions.

I believe very strongly that if there is a case for extending the period from 14 to 28 days, the Government, by referring to the period in question as merely 14 days and describing it as a permanent reduction in clause 57, and then talking about certain circumstances of an emergency nature that extend it to 28 days, effectively sell the argument down the river. I am trying to look at the principle. In my opinion, 28 days is justified. We have been through the arguments, as the hon. Member for Walsall North (Mr Winnick) said, about whether it should be 42 days or 90 days. Fourteen days can be a very short period, so if there is a case for it being 28 days in certain circumstances, for heaven's sake let us just accept that 28 days will be used very rarely and only in special circumstances.

Furthermore, to go back to a point that the Minister made, there is the distinct, continuing right of habeas corpus. If a judge thought that somebody was being ill-treated during a period of detention, which is really what this is all about, and he was satisfied by evidence from other sources and an application for habeas corpus, he would go straight down—in Belmarsh, for example, there is a tunnel—and ask to have the person who was being detained produced for him. He would rapidly work out whether that person was being subjected to unfair or unreasonable treatment—we are talking here about the realities of life—and whether he should be given the full benefit of habeas corpus. Habeas corpus means, "You shall have the body," or, "You shall produce the person." That, in my judgment, is ultimately what this is all about.

8.30 pm

I introduced a Bill on this matter right back when the former Member for Folkestone and Hythe was the leader of the Conservative party and my right hon. Friend the Member for Haltemprice and Howden (Mr Davis) was the shadow Home Secretary. I had a bit of a disagreement with them because they wanted to do a deal with the Liberal Democrats and I disagreed with that. That was not an unusual circumstance, but I try to stick to my principle. I produced the Prevention of Terrorism (No. 2) Bill for the reason—I have done it again more recently, as the Minister agreed—that I believe that we should justify our actions by reference to legislation that we produce here.

I just throw into the bargain that I think that the Human Rights Act 1998 has a lot to do with this. I am very glad that the Home Secretary has made her speech on the repeal of that Act, never mind what the Deputy Prime Minister says. I was responsible for that policy when I was shadow Attorney-General. I got it through the shadow Cabinet at that time and it stayed right through to the manifesto. The point is that if one disentangles the unnecessary complications of the Human Rights Act from the essence of the question, what we must have is a fair trial, as the right hon. and learned Member for North East Fife (Sir Menzies Campbell) said—I suspect that that is the only point on which we are likely to agree. That was in my Bill. We must also reaffirm the principles of habeas corpus and due process. The combination of those things can be achieved by legislating on our own terms; not through being caught up in all the unnecessary complication of having these matters adjudicated in Strasbourg or wherever.

If there is a vote on the new clause, I shall abstain on a simple issue of principle. I think that the hon. Member for Rhondda (Chris Bryant) is right when he says that the Government are creating a problem for themselves. There is a confusion of principle here. What is sauce for the goose is sauce for the gander. If there is a case for extending the period to 28 days when there is a Dissolution or before the Queen's Speech, frankly that is a matter of principle and it should be clear in the Bill that 28 days is an appropriate period. Why is it appropriate? Because the security of the nation requires it. That is the first priority. We have our civil liberties only if the security of the nation is guaranteed. I therefore will not support the Government on the proposal, and I believe that my argument is based on reason, principle and practicality.

Paul Goggins (Wythenshawe and Sale East) (Lab): It is a pleasure to follow the hon. Member for Stone (Mr Cash).

I will focus on new clause 14, which stands in my name and the names of the five other Members mentioned by my hon. Friend the Member for Rhondda (Chris Bryant) who served on the Joint Committee on the Draft Detention of Terrorist Suspects (Temporary Extension) Bills, which was appointed earlier this year and whose work on scrutinising the Bills has been mentioned. I am grateful to the Minister for his remarks about the Committee's work, as I am sure are my colleagues. We are also grateful to my hon. Friend the Member for Rhondda, whom I congratulate on his recent appointment to his important new responsibilities.

The Minister referred to the fact that he and I have begun to engage with each other regularly on these issues. What we are learning is that there are no perfect solutions to these problems; they are difficult and challenging, and often we are looking for the least worst option rather than the perfect option. That is the spirit in which I make my remarks this evening.

The six Members of this House whom I mentioned were joined by six highly regarded and experienced Members of the other place on a Committee that was expertly chaired by Lord Armstrong of Ilminster. We met on 11 occasions, had seven public evidence sessions and took evidence from a wide range of experts. New clause 14 reflects our conclusions and recommendations.

For reasons of principle as well as practicality, our starting point as a Committee was that a maximum period of 14 days' pre-charge detention is adequate, save in exceptional circumstances. For some members of the Committee—certainly for myself—that represented a change of mind, as my hon. Friend the Member for Rhondda pointed out. Despite all the fierce debates that we have had over the years, I and many colleagues have had to face the fact that detention beyond 14 days has only ever been used on 11 occasions, and not at all since 2007. However, the majority of the witnesses from whom we took evidence acknowledged that contingency arrangements were required for extension beyond 14 days in exceptional circumstances. That, of course, is the view of the Government as well, as the Home Secretary made clear in her evidence to the Committee, and again on 3 October in her letter to Lord Armstrong, to which the Minister referred. In that letter, she set out the Government's response to the Committee's report and stated that

> "it is sensible to acknowledge that longer than 14 days may be required, and to plan accordingly."

The question of the best way to make the necessary powers available remains. As we have heard, the Government are in favour of new primary legislation—a full Bill, to go through all stages in both Houses. The Committee's view was that that route was both unsatisfactory and unreliable, and it recommended an order-making power for the Home Secretary, albeit with a number of important safeguards.

In her letter to the Committee of 3 October, the Home Secretary set out the three broad scenarios that the Minister has described. I will not read from the letter, because he has already read into the record the detail of what she said, but in summary, the three scenarios are: a situation in which there is a heightened threat and a likelihood of many and extensive investigations; an ongoing investigation that is so complex that 14 days is not sufficient; and a situation in which arrests have been made, the investigation is ongoing and it is clear that there is insufficient time for it to be completed within the maximum 14-day period. Frankly, I think the Home Secretary's assessment of those three scenarios is rather more reasoned and balanced than the one provided by Lord Macdonald of River Glaven, the former Director of Public Prosecutions, who made clear his view that extension beyond 14 days could only ever be justified in the context of what he described as a "national catastrophe". The balance of the evidence given to the Committee was that that was far too extreme a view to be practically helpful.

The objective of the Committee and the Government is the same, but the question is how to extend beyond 14 days. The Committee concluded that the route of primary legislation was simply too risky and uncertain to be relied upon in what, in any event, would be extremely challenging circumstances. I draw the Minister's attention in particular to the third scenario that the Home Secretary outlined in her letter, in which arrests have been made, an ongoing investigation is being carried out and the clock is ticking. Perhaps nine, ten or 11 days of questioning have already passed, and only three or four days are left before the maximum is reached.

It is as well to remind the House that during the course of our taking evidence, a number of arrests were made under terrorism legislation in Northern Ireland. Two suspects were held for 13 days and then released without charge, and one suspect was charged on the 14th day of his detention. We are talking not only about matters of theory and principle but about real-life situations that are ongoing in the current climate.

Ben Gummer (Ipswich) (Con): In the example that the right hon. Gentleman has just used, we do not know, of course, whether the police could have charged before 14 days. That they charged on the 14th day does not mean that they did not have the evidence to charge on the seventh day.

Paul Goggins: I respect the hon. Gentleman and he and I have had exchanges on this issue, but I contest strongly his assertion. When an ongoing investigation requires detention to be extended beyond seven days for any further period up to 14 days, there is very close scrutiny by the courts. It would be impossible for the police to detain a suspect beyond seven days—for 10, 13 or 14 days—without the court's explicit approval. A court would certainly not approve the detention of somebody who could have been charged earlier, so I completely refute his argument.

The Committee had a number of specific concerns about the primary legislation route. First—others have touched on this important point—parliamentary scrutiny of such primary legislation would be so limited as to be rendered completely unsatisfactory and ineffective. By definition, such a Bill would be fast-tracked through the House, with very little time for debate. The circumstances in which the legislation would be introduced would dramatically limit what Ministers could say without jeopardising the suspect's right to a fair trial, or without compromising national security.

I am sure that the Minister would come to the House very well briefed on what he could and could not say—he usually does, and any such future debate would not be an exception—but neither he nor anyone could guarantee that a Member of the House would not say something that could lead to a subsequent trial being compromised. I ask hon. Members present to put themselves in this position: what if 50 or 100 of their constituents had just been blown up and they had to participate in a debate on a request that the suspect who is potentially responsible for those explosions is held for longer than 14 days? We would all be exercised in that situation and might be prone to say something out of place, which would be reported in the media and lead to further speculation that, in turn, could compromise a trial. Both Lord Carlile, the former independent reviewer of counter-terrorism legislation, and Keir Starmer, the current Director of Public Prosecution, told the Committee that putting too much information into the public domain could prejudice a fair trial. Alternatively, so little information might be given by the Minister in the context of the debate that the whole process would be completely meaningless.

The Home Secretary is right to draw a distinction between a debate and a decision on the principle of extending the powers beyond 14 days and the practical application of those powers in each individual case. As my right hon. Friend the Member for Cardiff South and Penarth (Alun Michael) reminded the House earlier, the application is a matter entirely for the courts and not for Parliament. However, in practice, particularly in relation to the third scenario that the Home Secretary gave, the debate on the principle and the debate on the practical application in an individual case would become very blurred. There is a real danger of confusion between the role of Parliament and the responsibilities of the court. Parliament could be asked to vote on legislation,

[Paul Goggins]

and within days, the court has to decide whether that legislation can be applied in a specific case in specific circumstances. In paragraph 84 of its report, the Constitution Committee concluded:

> "It is ill-advised to create a decision-making process that requires Parliament and the judiciary to ask and answer similar questions within a short space of time—or at all. Far from being a system of checks and balances, this is a recipe for confusion that places on Parliament tasks that it cannot effectively fulfil and arguably risks undermining the rights of fair trial for the individuals concerned."

That is an important point. The close proximity of the parliamentary debate and decision, and the application in an individual case, is fraught with difficulties.

Then, of course, there is the practicality of emergency legislation, which others have touched on. Normal business could be set aside if Parliament was sitting, but there is the question of what happens if it is not sitting but in recess. The Clerks advise us that a minimum of 48 hours would be required to recall Parliament during a recess. Of course, it was recalled very speedily this summer in the aftermath of the riots, but that was for a statement and debate, not to pass legislation. My right hon. Friend the Member for Blackburn (Mr Straw), a former Home Secretary, advised the Committee that after the worst atrocity in the history of the troubles in Northern Ireland, when 29 people were killed and more than 200 were injured, it took nine days to reconvene Parliament. In the context of an ongoing investigation into particular suspects in a particularly urgent inquiry, that would make the whole process of primary legislation completely impractical.

8.45 pm

It was the Committee's unanimous view that the Secretary of State should be given an executive order-making power to extend the permitted period of detention beyond 14 days up to 28 days. However, it suggested a number of important safeguards, some of which the Minister mentioned. First, the Attorney-General would have to certify that exceptional circumstances applied. We know that making that judgment can be difficult, but it would not just be the Home Secretary who had to make it; the Attorney-General would have to make a similar judgment for the order-making power to be available.

Mr Cash: Is the right hon. Gentleman aware of the Attorney-General's views on this question of 14 days, seven days and all the rest of it? Does the right hon. Gentleman have much confidence that it would ever be extended?

Paul Goggins: I have enough confidence in the current holder of that position to know that he would set aside his personal opinion and deal with the legislation as he saw fit. It is interesting. I am asked about the Attorney-General and I am often asked about the Home Secretary. It sometimes appears that Opposition Members have more confidence in the Attorney-General and the Home Secretary than some of their own colleagues, because we want them to have these powers to use when they are absolutely necessary. It is important to have that confidence.

Jeremy Corbyn (Islington North) (Lab): I apologise for missing the earlier part of my right hon. Friend's speech—I was at a meeting in another part of the building. I understand what he is saying, but very few other countries go beyond 14 days for detention periods and some go much less. Why does he think that we should legislate to allow an extension to 28 days?

Paul Goggins: My hon. Friend knows enough about this matter to know that we cannot draw simple comparisons between our system and other systems. Other systems sometimes appear to hold suspects for shorter periods when in fact they are held for longer periods. We have a system that reflects our own judicial culture but also recognises the fact that we face enormous threats and challenges from terrorists in this country, perhaps particularly in this city. We have had to work our way through this, but if he missed the earlier part of my speech, he will not have heard me say that I have had pause to reflect and that I have changed my mind. I think that 14 days should be the maximum in most circumstances, apart from the exceptional circumstances that I am referring to.

Mr Winnick *rose—*

Paul Goggins: I shall give way one more time, but then I want to bring my remarks to a conclusion.

Mr Winnick: I am grateful to my right hon. Friend. I accept that he is a convert to 14 days, although I suspect that if we were debating 42 days, he would not necessarily be up on his feet protesting. On the point about the Attorney-General, are we really to believe—this is not a reflection on the Attorney-General in any Government—that if the Home Secretary told the Attorney-General, in the usual way that these things are done, that it was necessary to increase the 14 days in exceptional circumstances, the Attorney-General would say to the Home Secretary, "No"? It is unrealistic.

Paul Goggins: I do not accept that it is unrealistic. It would depend on the individual judgment of the Attorney-General linked to the judgment of the Home Secretary, who would have been briefed by the Security Service and others. On its own, it is not a total safeguard, but it is one among several, and I shall briefly go through the others. The Secretary of State would have to give a statement to both Houses as soon as possible. There would have to be a review by the Independent Reviewer of Terrorism Legislation of any case in which a suspect was detained for more than 14 days. There would have to be an annual report by the Home Secretary listing any orders that had been made; that report would have to be debated and voted on in six weeks. Finally, the Director of Public Prosecutions would have to give his personal authorisation to any application to the High Court for a further warrant for detention. We know that that already happens in practice, but it should be on the face of the legislation. Members of the Joint Committee will be pleased that the Minister has tonight confirmed that he will introduce legislation to make the order-making power available during the Dissolution of Parliament, and that he has acknowledged the importance of an independent review of each case and of the personal authorisation of the Director of Public Prosecutions.

The Minister is a reasonable man who genuinely seeks to strike the right balance, but I believe that he has landed in the wrong place on this issue. His preferred route of primary legislation is too risky: time might be against him, and a subsequent trial might be prejudiced. This measure is exceptional, and we all hope that it will never have to be used, but if it is required, it is important that it be absolutely reliable and available as soon as possible.

The Committee's recommendation respects the Government's view that 14 days should be the normal maximum; frankly, I think that that is the settled view of Members on both sides of the House. That would give greater certainty in the face of extraordinary challenges, threats and attacks. On behalf of the six members of the Committee, I am happy to commend our recommendations to the Minister, and I hope that, even now, he will give them further consideration.

Tom Brake: I shall speak briefly in support of new clause 13. I welcomed the Government's review of counter-terrorism security powers, which concluded that the maximum period of pre-charge detention for terrorists should be 14 days. I had anticipated that conclusion, but I had not anticipated that the review would further conclude that there might be exceptional circumstances in which it was necessary to increase the limit on pre-charge detention to 28 days. I cannot foresee the exceptional circumstances in which that might be needed, but I suppose that exceptional circumstances are, by definition, very hard to foresee.

Once the review had concluded that there might be such exceptional circumstances, measures had to be put in place, and I support the Government's approach to fast-track primary legislation. My concern is that, if we had not done that, we might not have had in place the necessary safeguards to ensure that we would seek an extension to 28 days only in exceptional circumstances.

Clearly, this is not as elegant a solution as simply opting for 14 days. In requiring the additional step, we must ensure that pressure is maintained during the first 14 days to ensure that cases are very actively pursued. I have been told that, in some cases, there has not been quite the necessary degree of energy and commitment during those 14 days. Creating a significant hurdle for exceptional circumstances that requires a parliamentary legislative process should ensure that the necessary safeguards are operated, and it reflects the fact that we have not used 14 days since 2007.

I welcome what the Government are doing. They have identified the need for emergency legislation to be available not only while Parliament is sitting but when it is in recess, and the issue that was correctly identified with regard to Dissolution has also had to be addressed. I am happy to speak in favour of new clause 13 and to welcome it this evening.

Alun Michael: The Minister responded reasonably to interventions earlier and I welcome the tone with which he has responded to the debate. However, my hon. Friend the Member for Rhondda (Chris Bryant) was absolutely right that the Government have dug themselves into a hole, and we are trying to help the Home Secretary and the Minister to climb out of it.

The Minister accepted that the powers in the emergency legislation cannot be triggered on the basis of the threat level, but only by the need for extra time for specific investigations. The debates on emergency legislation would therefore either be so general and free from evidence as to be meaningless in terms of scrutiny, or be about specific cases, in which event they could be prejudiced. The right way is for a clearly exceptional power to be set out in primary legislation, with a high bar and stringent requirements to make abuse virtually impossible. As the Government have set their face against that approach, my right hon. Friend the Member for Wythenshawe and Sale East (Paul Goggins) and the rest of us have tabled new clause 14, which is a reasonable attempt to find a way around this that would not be damaging to the reputation of the Government, this House or the legislative process.

I urge the Minister, if he can do nothing else, to say that he has heard the debate and to give an undertaking to think further on these points, which are made not to cause difficulties for Ministers, but to try to enable the Government to get us to the right place as far as principle and law are concerned.

James Brokenshire: We have had a good debate on the new clauses. I again pay tribute to the work of the Joint Committee for scrutinising the emergency legislation and, in many ways, for the nature of the debate that we have had this evening.

It is correct to say that there is no perfect solution to any of the scenarios raised—I have said that in respect to the manner in which we have considered this issue, too—but it ultimately comes down to the judgment about settling on 14 days. We have heard contributions from all parts of the House acknowledging that 14 days is now the accepted period for pre-charge detention; that is a recognition on both sides of where to strike the appropriate balance. I very much welcome the comments that have been made about that. If 28 days is absolutely the exception, the structure that we create must recognise that. That is why, although I accept both the help and assistance that has been proffered across the House this evening and the work of the Joint Committee, we have resolved in reflecting on the issue that the structure that is being created with the draft emergency legislation, along with new clause 13, is the appropriate way forward.

At one stage there was a suggestion that, for example, the Civil Contingencies Act 2004 might provide a mechanism for dealing with the issue. That was not the view of the Joint Committee, which is a view that we share. However, it is appropriate that exceptional circumstances may justify a 28-day detention, and the Home Secretary's letter set out those three scenarios. They are: a fundamental change in the threat environment; an investigation or series of investigations—albeit before arrest—that were so complex or significant that 14 days was not considered sufficient; and a scenario that arose during an investigation but after an arrest had taken place. Those are the three elements of exceptional circumstances which we have focused on for when powers might need to be sought to increase the period.

However, as other Members have said, we hope that that scenario would not arise or ever exist. Goodness only knows, that is not something that we would wish to contemplate, but we have to contemplate it, hence the reason why we have drafted the emergency legislation and the new clause before the House. We believe that the structure being created is reliable and available, and that the House is able to make the distinction and

[James Brokenshire]

understand its role, as contrasted with that of the judiciary; hence the reason why I commend new clause 13 to the House and urge Members to reject new clause 14, although I recognise the important points that the Joint Committee made. In many ways we have reflected on that and have sought to incorporate certain of the Joint Committee's recommendations in the new clause, but on balance and after careful consideration—

9 pm

Debate interrupted (Programme Order, 10 October).

The Deputy Speaker put forthwith the Question already proposed from the Chair (Standing Order No. 83E), That the clause be read a Second time.

Question agreed to.

New clause 13 accordingly read a Second time, and added to the Bill.

The Deputy Speaker then put forthwith the Questions necessary for the disposal of the business to be concluded at that time (Standing Order No. 83E).

Clause 28

INTERPRETATION: CHAPTER 2

Amendments made: 16, page 18, line 32, leave out 'and (3)' and insert 'to (3A)'.

Amendment 17, page 19, line 15, leave out 'identify' and insert

'establish or verify the identity of'.

Amendment 18, page 19, line 16, leave out from 'obtained' to end of line and insert

'or recorded with the intention that it be used for the purposes of a biometric recognition system.'

Amendment 19, page 19, line 22, at end insert—

'(3A) In subsection (2) "biometric recognition system" means a system which, by means of equipment operating automatically—

(a) obtains or records information about a person's physical or behavioural characteristics or features, and

(b) compares the information with stored information that has previously been so obtained or recorded, or otherwise processes the information, for the purpose of establishing or verifying the identity of the person, or otherwise determining whether the person is recognised by the system.'.—*(James Brokenshire.)*

Clause 98

RELEASE AND PUBLICATION OF DATASETS HELD BY PUBLIC AUTHORITIES

Amendments made: 26, page 78, line 35, at end insert—

'(2A) The public authority may exercise any power that it has by virtue of regulations under section 11B to charge a fee in connection with making the relevant copyright work available for re-use in accordance with subsection (2).

(2B) Nothing in this section or section 11B prevents a public authority which is subject to a duty under subsection (2) from exercising any power that it has by or under an enactment other than this Act to charge a fee in connection with making the relevant copyright work available for re-use.

(2C) Where a public authority intends to charge a fee (whether in accordance with regulations under section 11B or as mentioned in subsection (2B)) in connection with making a relevant copyright work available for re-use by an applicant, the authority must give the applicant a notice in writing (in this section referred to as a "re-use fee notice") stating that a fee of an amount specified in, or determined in accordance with, the notice is to be charged by the authority in connection with complying with subsection (2).

(2D) Where a re-use fee notice has been given to the applicant, the public authority is not obliged to comply with subsection (2) while any part of the fee which is required to be paid is unpaid.

(2E) Where a public authority intends to charge a fee as mentioned in subsection (2B), the re-use fee notice may be combined with any other notice which is to be given under the power which enables the fee to be charged.'.

Amendment 27, page 79, line 20, at end insert—

11B Power to charge fees in relation to release of datasets for re-use

'(1) The Secretary of State may, with the consent of the Treasury, make provision by regulations about the charging of fees by public authorities in connection with making relevant copyright works available for re-use under section 11A(2) or by virtue of section 19(2A)(c).

(2) Regulations under this section may, in particular—

(a) prescribe cases in which fees may, or may not, be charged,

(b) prescribe the amount of any fee payable or provide for any such amount to be determined in such manner as may be prescribed,

(c) prescribe, or otherwise provide for, times at which fees, or parts of fees, are payable,

(d) require the provision of information about the manner in which amounts of fees are determined,

(e) make different provision for different purposes.

(3) Regulations under this section may, in prescribing the amount of any fee payable or providing for any such amount to be determined in such manner as may be prescribed, provide for a reasonable return on investment.

(4) In this section "relevant copyright work" has the meaning given by section 11A(3).'".

Amendment 28, page 79, line 40, at end insert—

'(2B) The public authority may exercise any power that it has by virtue of regulations under section 11B to charge a fee in connection with making the relevant copyright work available for re-use in accordance with a requirement imposed by virtue of subsection (2A)(c).

(2C) Nothing in this section or section 11B prevents a public authority which is subject to such a requirement from exercising any power that it has by or under an enactment other than this Act to charge a fee in connection with making the relevant copyright work available for re-use.

(2D) Where a public authority intends to charge a fee (whether in accordance with regulations under section 11B or as mentioned in subsection (2C)) in connection with making a relevant copyright work available for re-use by an applicant, the authority must give the applicant a notice in writing (in this section referred to as a "re-use fee notice") stating that a fee of an amount specified in, or determined in accordance with, the notice is to be charged by the authority in connection with complying with the requirement imposed by virtue of subsection (2A)(c).

(2E) Where a re-use fee notice has been given to the applicant, the public authority is not obliged to comply with the requirement imposed by virtue of subsection (2A)(c) while any part of the fee which is required to be paid is unpaid.

(2F) Where a public authority intends to charge a fee as mentioned in subsection (2C), the re-use fee notice may be combined with any other notice which is to be given under the power which enables the fee to be charged.'.—*(James Brokenshire.)*

Clause 111

EXTENT

Amendments made: 29, page 87, line 14, after 'Schedule 8' insert

'and section *(Tax in connection with transfer schemes)*'.

Amendment 30, page 88, line 4, at end insert—

'(fa) section *(Tax in connection with transfer schemes)*,'.

Amendment 31, page 88, line 8, leave out 'Part 2' and insert 'Parts 1A, 2 and 6A'.—*(James Brokenshire.)*

Clause 112

COMMENCEMENT

Amendment made: 32, page 88, line 36, at end insert—

'(za) sections 85 to 87 and section *(Tax in connection with transfer schemes)*,'.—*(James Brokenshire.)*

Schedule 9

CONSEQUENTIAL AMENDMENTS

Amendments made: 65, page 149, line 26, at end insert—

'House of Commons Disqualification Act 1975

A1 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) insert at the appropriate place—

"Commissioner for the Retention and Use of Biometric Material".

Northern Ireland Assembly Disqualification Act 1975

A2 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (other disqualifying offices) insert at the appropriate place—

"Commissioner for the Retention and Use of Biometric Material".'.

Amendment 66, page 150, line 1, after 'to' insert '19,'.

Amendment 67, page 150, line 7, at end insert—

'PART 1A

THE SURVEILLANCE CAMERA COMMISSIONER

House of Commons Disqualification Act 1975

2A In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices) insert at the appropriate place—

"Surveillance Camera Commissioner".'.

Amendment 68, page 151, leave out lines 18 to 33 and insert—

'(1) This section applies to an application to the sheriff for an order under section 23A or 32A.

(2) Rules of court must make provision for the purposes of ensuring that an application to which this section applies is dealt with in private and must, in particular—

(a) require the sheriff to determine an application in private,

(b) secure that any hearing is to be held in private, and

(c) ensure that notice of an application (or of any order being made) is not given to—

(i) the person to whom the authorisation or notice which is the subject of the application or order relates, or

(ii) such a person's representatives.'.

Amendment 69, page 151, line 36, leave out from third 'to' to first 'is' in line 37 and insert 'which this section applies'.

Amendment 70, page 151, line 38, leave out 'any order made under'

Amendment 79, page 154, line 26, after 'substitute "' insert 'is'

Amendment 80, page 156, line 17, at end insert—

'Terrorism Act 2006

27A In section 36 of the Terrorism Act 2006 (review of terrorism legislation)—

(a) in subsections (3) and (4) for "under this section" substitute "under subsection (2)",

(b) in subsection (5) after "Parliament" insert "as soon as the Secretary of State is satisfied that doing so will not prejudice any criminal proceedings",

(c) in subsection (6) for "to carry out a review under this section" substitute "under subsection (1)", and

(d) after subsection (6) insert—

"(6A) The expenses mentioned in subsection (6) include, in particular, any expenses incurred by the person appointed under subsection (1) in ensuring that another person carries out a review of the kind mentioned in subsection (4A) and reports on it."'.

Amendment 71, page 165, line 33, at end insert—

'PART 6A

THE DISCLOSURE AND BARRING SERVICE

Parliamentary Commissioner Act 1967

117A In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation) insert at the appropriate place—

"Disclosure and Barring Service."

House of Commons Disqualification Act 1975

117B (1) Schedule 1 to the House of Commons Disqualification Act 1975 (disqualifying offices) is amended as follows.

(2) In Part 2 (bodies of which all members are disqualified) insert at the appropriate place—

"The Disclosure and Barring Service."

(3) In Part 3 (other disqualifying offices) insert at the appropriate place—

"Member of the staff of the Disclosure and Barring Service."

Northern Ireland Assembly Disqualification Act 1975

117C (1) Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (disqualifying offices) is amended as follows.

(2) In Part 2 (bodies of which all members are disqualified) insert at the appropriate place—

"The Disclosure and Barring Service."

(3) In Part 3 (other disqualifying offices) insert at the appropriate place—

"Member of the staff of the Disclosure and Barring Service."

Freedom of Information Act 2000

117D In Part 6 of Schedule 1 to the Freedom of Information Act 2000 (other public bodies and offices: general) insert at the appropriate place—

"The Disclosure and Barring Service."'.—*(James Brokenshire.)*

Schedule 10

REPEALS AND REVOCATIONS

Amendments made: 72, page 167, line 23, leave out 'Section 10(4) and (6)(d).'.

Amendment 73, page 167, line 28, leave out '21.' and insert '19.

	Section 21.'.

—*[James Brokenshire.]*

Title

Amendment made: 75, line 8 leave out

'provide for a maximum detention period of 14 days'

and insert

'amend the maximum detention period'.—*(James Brokenshire.)*

Third Reading

Queen's consent signified.

9.1 pm

The Secretary of State for the Home Department (Mrs Theresa May): I beg to move, That the Bill be now read the Third time.

The first responsibility of any Government is to keep the British public safe and free. That means protecting them from crime, terrorism and other threats, but it also means defending our democratic institutions, our liberties and our way of life. This Government are determined to cut crime and reduce the risk of terrorism, at the same time as we restore the freedoms and liberties that define British society.

Mr Cash: Will my right hon. Friend be kind enough to give way?

Mrs May: I can never resist my hon. Friend, although I give way always with a certain degree of trepidation and a suspicion that one word will always come into his question.

Mr Cash: I am grateful to the Home Secretary—and may I congratulate her on her staunch statement at the party conference on the repeal of the Human Rights Act? As she has not yet an opportunity to do so, would she like to reaffirm on the Floor of the House that she would like to see it repealed?

Mrs May: I am happy to confirm that to my hon. Friend. At the general election, Conservative Members, of course, stood on a manifesto that promised to do just that. As I have said, we will also bring forward some changes to the immigration rules to ensure what we consider to be the correct balance in the operation of article 8 of the human rights convention.

My hon. Friend the Member for Stone (Mr Cash) was trying to tempt me to go down a road that I know I should not go down any further on Third Reading of this Bill. Let me return to the point I was making about the balance between keeping the public safe and defending our liberties.

For 13 years the previous Administration chipped away at those freedoms and liberties, and in doing so, they did not protect the public. They chipped away at the notion that a person is innocent until proven guilty. Not only did they fail to take the DNA profiles of all of those guilty of a crime; they also provided for the indefinite retention of the DNA profiles of more than 1 million innocent people. They treated more than a quarter of the whole work force—some 11 million people—as potential abusers of children and vulnerable adults, by requiring them to be monitored as part of an overbearing vetting and barring system.

The previous Government chipped away at the right to liberty by seeking to extend the maximum period of pre-charge detention to 42 and even 90 days—until forced by the will of this Parliament to settle for 28 days. They then made 28 days the norm rather than the exception. They chipped away at the historic right of trial by jury; they chipped away at the notion that people should be able to live in safety and security in their own homes by creating hundreds of new powers of entry; and they chipped away at our right to privacy by creating a number of enormous Government databases—the national identity register and ContactPoint being but the worst examples.

The Bill continues the work of this Government in repairing the damage done to our traditional freedoms and historic civil liberties, while at the same time taking a careful and proportionate approach to protecting the public. In adopting the protections of the Scottish model for the national DNA database, it strikes the right balance between protecting our communities and protecting the rights of the innocent. When people are convicted or cautioned for a recordable offence, their DNA and fingerprints will be retained indefinitely, exactly as happens now. In all cases in which DNA and fingerprints are taken on arrest, they will be subject to a speculative search so that past offenders cannot evade justice, exactly as happens now. Under this Government, criminals who leave their DNA at a crime scene will not be able to escape justice if they are arrested again.

Moreover, we are now taking the DNA of all convicted prisoners, including hundreds who were convicted for the most serious offences such as murder and rape. That is something that the last Government failed to do. In June last year, we started a programme to identify individuals in the community who have previously been convicted of either a sexual offence or homicide, and whom the last Government failed to place on the DNA database. That process has so far identified more than 13,000 people whose identities have been passed to local police forces, and we are now working with the police to find the individuals and obtain samples. When someone is not convicted of an offence, however, there will be strict limits on the period during which that person's DNA and fingerprints can be retained. That is exactly as it should be: justice is not served, and our communities are not made safer, by the stockpiling of the DNA and fingerprints of hundreds of thousands of innocent people for year after year.

The Bill includes sensible measures to help to maintain public confidence in the use of CCTV and automatic number plate recognition systems. CCTV is a valuable crime-fighting tool, which also helps to reduce the fear of crime—we saw that most recently after the summer's riots—but it will not be able to continue to deliver such benefits if cameras are perceived to be spying on communities, or if they simply do not work as they should. We saw that most recently in the west midlands, where the installation of CCTV systems without the support of the local community meant that public confidence was lost and the cause of community safety was set back. By providing for a code of practice overseen by a new surveillance camera commissioner, the Bill will help to ensure that CCTV retains public support and therefore continues to be an effective tool in fighting crime.

The Bill also applies much-needed common sense to the criminal records regime and the vetting and barring scheme. Let me make one thing absolutely clear: the protection of children and vulnerable adults is of paramount importance to this Government, and robust systems for employment vetting play a vital part in ensuring that it is provided, but tying up employers and voluntary organisations in red tape and bureaucracy does no one any good. I do not think it is sensible to force some 11 million people to register with a Government agency, and I do not really think—and I doubt that the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) really thinks—that 11 million people should be continually monitored.

There was a real danger that the very scale of the vetting and barring scheme designed by the previous Administration would create a culture of irresponsibility in which employers felt that it was not up to them to protect children or vulnerable adults in their care. Employers must take their responsibilities seriously, and when innocent people are treated like suspects, it is society that suffers.

The Bill has been much improved by the process of scrutiny undertaken by this House. I thank all the members of the Public Bill Committee for their detailed and forensic examination of it, and I thank all Members who contributed to the debates on Report.

Andrew Miller: Unfortunately we did not manage to complete our scrutiny, because of the timetabling of the Bill. One issue that was brought to my attention by Universities UK was the potential for application of the Freedom of Information Act to impede international collaboration in research. That was dealt with in the Freedom of Information (Scotland) Act 2002, and I tried to insert a parallel provision in this Bill. Will the right hon. Lady instruct the appropriate Minister to meet representatives of Universities UK to discuss the issue as a matter of urgency?

Mr Deputy Speaker (Mr Lindsay Hoyle): Order. As the hon. Gentleman knows, we are discussing the Bill as it is now, not the new clauses that were not reached.

Andrew Miller: I was trying to improve it.

Mr Deputy Speaker: I understand that, and I am sure that the hon. Gentleman has been very helpful.

Mrs May: I think the hon. Gentleman, and I take a different view on the issue he raises about scientific research and the application of freedom of information provisions. However, although we disagree, I am happy to ensure that an appropriate Minister will be available to meet Universities UK and discuss this matter with it.

I have already paid tribute to the members of the Committee and to all Members who have contributed to our various debates on the Bill. I wish to pay particular tribute to the tireless and sterling work done by the Department's Under-Secretaries, my hon. Friends the Members for Old Bexley and Sidcup (James Brokenshire) and for Hornsey and Wood Green (Lynne Featherstone). They have steered the Bill through its parliamentary stages with great skill—and, I must say, significant patience in dealing with all the issues that have been raised. I also thank all the officials who have worked on the Bill.

As a result of Members' scrutiny, the Committee and subsequently the House have agreed a number of important changes to the Bill. We have clarified the circumstances in which DNA may be retained for a period where someone has been arrested for, but not charged with, a serious offence. We have further clarified the extent of regulated activity, including bringing those working with 16 and 17-year-olds within scope and making provision for statutory guidance to be issued to regulated activity providers. We have also provided for the establishment of the new disclosure and barring service to give a more efficient end-to-end service to employers and voluntary organisations. Further, we have strengthened the protection for motorists in private car parks at the same time as we have provided further help for landowners to combat unauthorised parking.

We are fortunate that in this country, it has not taken bloody wars and violent revolutions to weave into the very fabric of our society and parliamentary democracy the freedoms and liberties that we hold so dear. We take them for granted at our peril. Once lost, they are not easily regained. They need to be nurtured and protected. It is in this spirit that I wholeheartedly commend the Protection of Freedoms Bill to the House, and look forward to its safe and speedy passage through the other place.

9.12 pm

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): I join the Home Secretary in thanking all hon. Members who have toiled throughout the passage of the Bill, and pay tribute to my hon. Friend the Member for Gedling (Vernon Coaker), whom I congratulate on his appointment to the shadow Cabinet, and my hon. Friend the Member for Eltham (Clive Efford), who, conveniently, has been moved to the Department for Culture, Media and Sport just in time for the Olympics. I also thank my hon. Friend the Member for Kingston upon Hull North (Diana Johnson), who has done important work particularly on child protection, and my hon. Friend the Member for Alyn and Deeside (Mark Tami), who has kept us all in order. I thank, too, my right hon. Friend the Member for Delyn (Mr Hanson) and my hon. Friend the Member for Rhondda (Chris Bryant), who in the last couple of days have stepped in admirably to steer the debate through its final stages in this House.

There are sensible measures in the Bill that we support, such as removing old convictions for gay sex, removing restrictions on marriage, adding sensible extensions to freedom of information and putting in place tighter restrictions on the Regulation of Investigatory Powers Act 2000 and stop-and-search powers. We also welcome the action on rogue wheel clampers, but we would have preferred the Government to go further by taking further

[Yvette Cooper]

action on rogue ticketers. We agree, too, with the principle of moving down to 14 days of pre-charge detention. However, the Home Secretary was unwise not to have made changes as a result of the last debate, in which Members from both sides of the House who served on the Joint Committee that she set up raised concerns that the mechanism that she has put in place to deal with emergencies will be impractical and unworkable. Why did she set up a Committee if she was just going to ignore its expert views?

We have some serious and deep concerns about the Bill, however, which mean that we cannot support it tonight. We agree with making changes to child protection, especially now that Criminal Records Bureau checks can be made portable, but it is vital that as we do so, we make sure this House can reassure parents throughout the country that sensible and strong safeguards are still in place to protect their children.

The Government cannot now do that, as a result of this Bill, because they are creating serious loopholes in child protection. They have been urged to close them not just by our Front-Bench team but by the National Society for the Prevention of Cruelty to Children, Action for Children, the Children's Society, the Government's own Children's Commissioner, the Scouts, the Rugby Football Union, UK Athletics and many more sports organisations. The Government have consistently ignored their advice.

I wonder how many Conservative Members realise what they voted for in the Lobby this afternoon. They voted to stop someone who has committed a sexual offence against children being automatically barred from working with them in future. Conservative Members voted today to stand up for the right of convicted child rapists not to be included on a barred list: that is what they voted for. The Bill also means that if someone who has been barred for grooming a child applies for a supervised post working with children, the organiser will not be told that they have been barred.

The Government have chosen to stand up for the privacy of people who have been barred by the experts from working with children, against the concerns of head teachers, sports organisations, children's charities and, above all, parents who want to know that their children are safe. I say to the Home Secretary very strongly, as a parent, that parents across this country do not want to discover that a voluntary teaching assistant or a supervised sports coach who spends hours with their child has, in fact, been barred by the experts from ever working with children again, but that—thanks to the Home Secretary's decision to protect that person's privacy—nobody was told. That is the consequence of her Bill; it is the decision that Government Members have just voted to support.

It is not just on child protection that the Government are getting the balance wrong. The Home Secretary's decisions on DNA will also make it harder, not easier, for the police to fight crime. She has talked with pride about the 13,000 convicted criminals that she wants to put on the DNA database, but what she fails to point out is that taking retrospective DNA, which we strongly agree with, was made possible only by Labour's Crime and Security Act 2010, which was passed before the general election and which she opposed. Not only did she oppose the whole Bill then, but she failed to enact those provisions when that should have happened, straight after the general election. She waited for a year to get round to it, and she still has not enacted the provisions in Labour's Act to take DNA from people who commit crimes abroad.

As for the provisions in this Bill, the Home Secretary is ignoring the evidence. She is ignoring not only the evidence from the police, who estimate that 1,000 fewer crimes will be solved every year as a result of these measures, and the wise words from my right hon. Friend the Member for Kingston upon Hull West and Hessle (Alan Johnson), who tabled amendments, but the evidence that Ministers tried to hide, which was produced by their own Department. It shows that every year crimes will be committed by 23,000 people who would have been on the DNA database under Labour's plans but will not be on it under her plans. We are talking about 23,000 criminals each year, and these are cases in which she wants to make it harder for the police to bring them to justice. Some 17,000 rape suspects will be taken off the database straight away as a result of these measures.

Stephen Phillips (Sleaford and North Hykeham) (Con) *rose—*

Yvette Cooper: I will give way to the hon. and learned Gentleman, but I ask him whether he can give a good reason for removing those 17,000 rape suspects so swiftly from the database, against the advice and the pleas from Rape Crisis.

Stephen Phillips: I am grateful for the right hon. Lady's anticipation of what my intervention might be. What would she say, and what would her party say, to the millions of innocent people who regard it as offensive that their DNA is retained when they have never been convicted of any crime whatsoever? Is that really the policy that the Labour party thinks ought to be pursued in this country?

Yvette Cooper: I point out to the hon. and learned Gentleman that that is his policy and that of his party. That is what he has voted for. People will be on the DNA database who have not been convicted of any crime, but his party wants to hold their DNA for three years, based on no evidence whatsoever, whereas we believe that it should be held for six years, based on the evidence, because that is the best way to ensure that we get the balance right between protecting people's civil liberties and ensuring that we can take the action needed to solve crime. The hon. and learned Gentleman has not given an answer to Rape Crisis and others who are deeply concerned about the impact of these measures on our ability to prevent rapes and to solve rapes in future.

We know that every year there are nearly 5,000 cases in which someone has been arrested on suspicion of rape and the police believe that there is a case to answer and have passed the file to the Crown Prosecution Service, but the CPS has decided—we know that rape cases can be complex—not to charge. In all such cases, the DNA will be wiped straight away under this Government's proposals, despite the fact that there is considerable evidence, as well as the concerns raised by organisations such as Rape Crisis, that more, not less, needs to be done to tackle the crime of rape and to bring more rapists to justice.

Government Members have their priorities wrong if they think that it is more important to keep people's DNA for three years rather than six than it is to solve 1,000 more crimes, that it is more important to do that than to have DNA matches for 23,000 more criminals each year, and that it is more important to protect the rights of a rape suspect to keep their DNA code off the database altogether than to take the action that Rape Crisis has called for to make it easier to catch rapists in future.

Finally, on CCTV, which was critical in identifying the culprits in the riots, the Bill adds layers of bureaucracy that make it harder for the police to do their job.

We believe that it is important to protect people's freedom, but protecting people's freedom means not just protecting them against unwarranted interference by the police or by the state but protecting them against unwarranted interference, abuse or violence by other people. Freedom means protecting people from crime, too. The measures to which the Home Secretary objected in her speech helped cut crime by 40% and mean that there are now millions fewer victims of crime each year because we brought crime down. Yes, balancing acts and difficult decisions are required, and the freedom of victims of crime as well as the freedom of crime suspects should be considered. Decisions should be based on evidence, and time and again the Government have either ditched or denied the evidence in front of them.

The Home Secretary has made great play of attacking the Human Rights Act 1998, which at its heart includes protection for people's freedom against oppression or abuse, but we should be clear that it is not the Human Rights Act that is putting privacy for child sex offenders ahead of sensible child protection measures, or putting the privacy of rape suspects above action to prevent rape in future, but this Government. It is not the Human Rights Act that is putting three years of holding DNA above action to solve 1,000 crimes a year, but a Conservative-led Government. Although the Home Secretary is very keen to be tough on the Human Rights Act, it would be rather more effective if she were tougher on crime and made it easier for the police to do their job.

We believe that this is a risky Bill that puts at risk freedom for crime victims, makes it harder for the police to do their job and ignores important evidence about the way in which crimes need to be solved. That is why we cannot support it on Third Reading, and will vote against it tonight.

9.24 pm

Tom Brake: In some respects, this is a Christmas tree of a Bill, but given that each bauble on the tree represents one of our cherished and fundamental freedoms, we can forgive the Home Office for that. Given the extent and range of its measures, it goes a long way towards restoring many of our most fundamental freedoms. Pre-charge detention is reduced to 14 days and the indiscriminate and in many ways ineffective use of stop and search is ended.

The hon. Member for Rhondda (Chris Bryant) said that he did not like the concept of balancing civil liberties and security because he felt that they were intertwined. I agree; the DNA measures ensure that we intertwine civil liberties and people's safety. Clearly that is an issue on which the Government and the Opposition will continue to disagree. Liberal Democrats understand victims' concerns, but there is little evidence that the Opposition have any real appreciation of civil liberties and civil liberty concerns. On far too many occasions, Opposition spokesmen have in effect written the headlines for some of our tabloid newspapers, which I find somewhat distasteful.

On CCTV, the Government propose regulation, not obstruction. The Opposition have sought to make the point that the Government actively seek to oppose CCTV, but that is clearly not the Government's intention. Rather, it is their intention, as reflected in the Bill, to ensure that CCTV is deployed in a way that secures public support. Clearly, there is a huge amount of public support for it, but Members will be aware of at least one occasion on which that public support was not there because there was some subterfuge around the reasons for the deployment of CCTV.

As the Home Secretary has said, subjecting 11 million people to a vetting and barring scheme would be deemed by most people in most countries to have a real impact on people's civil liberties, and operating a system that captured the details of many hundreds of thousands of people who would not present any threat would have real practical implications. The Government have reminded organisations of the need to maintain vigilance—that they should actively consider scenarios and the circumstances in which people work and accept that they have a responsibility to ensure that appropriate safeguards and monitoring of staff are in place.

I am sure that every hon. Member has had cases of wheel-clamping raised with them. I had a particularly disturbing case involving a woman whose vehicle was clamped on her own estate when she accidentally failed to display the appropriate permit. She ended up recovering her vehicle from a site about 15 miles away, which she had to go to with her young child. She managed to secure the vehicle, but only after handing over a large sum of money to men with large Doberman dogs. I am sure that other hon. Members have had similar experiences reported to them.

Mark Tami (Alyn and Deeside) (Lab): Does the right hon. Gentleman accept that the danger of the Bill is that those same people become rogue ticketers rather than rogue clampers?

Tom Brake: Clearly, that is a risk, although as we heard yesterday, in practice that did not happen in Scotland. If parking operators want keepers' details from the Driver and Vehicle Licensing Agency, they have to be members of the British Parking Association, which will ensure a high standard. If there are issues around BPA members, I am sure that the Government will want actively to take that up with the BPA to ensure that its standards are enhanced.

Pete Wishart (Perth and North Perthshire) (SNP): The right hon. Gentleman is absolutely right that there has been no issue or contention about the proposed measures in Scotland, as is the case with DNA retention, regardless of what we heard from the former Home Secretary. We in the SNP will support the Government this evening. Anything that tackles Labour's anti-civil libertarian state deserves the support of the House.

[Pete Wishart]

However, will the right hon. Gentleman assure me that, as a Liberal Democrat, he will do all that he can to ensure that the Conservatives remain on this road and that we continue to have good civil liberties and do not go back to the bad old days of Labour?

Tom Brake: I thank the hon. Gentleman for his intervention—for once a helpful intervention from the Opposition Benches. I assure him that I am confident that the coalition Government want to maintain a strong and direct focus on the whole issue of civil liberties.

It seems to me that the use of fingerprinting and biometrics in schools was one of the things that just slipped through and that no one in the Opposition, when in government, had thought about whether it was okay for children to have their fingerprints taken. It required the coalition Government to step in and say that parents should be able to express a view on the taking of personal biometric data from children, rather than having it imposed by schools.

Disregarding convictions for consensual gay sex is another significant step forwards for gay rights, which I am pleased the Government appear intent on pursuing in relation to gay marriage. Datasets being available for reuse will improve transparency in government.

I will point out one bauble that was missing from the Christmas tree: provisions on insulting and section 5 of the Public Order Act 1986. Even if that is missing, I am pleased that the Government are fully committed to a consultation on that, because it is something I want changed. We should be able to insult people as freely as we like, as we do all the time in the House, so long as we do not incite hatred. We need to make that distinction and I hope that that change will be forthcoming.

I am very proud that the Bill will be one of the first that the coalition Government put on the statute book. We have proved without a shadow of a doubt that, where there is a will, Governments can strengthen civil liberties and safeguard safety and security—a fact that we had forgotten after 13 years of Labour rule.

9.32 pm

Mr John Redwood (Wokingham) (Con): I rise to support the Bill. I am very pleased that the Government wish to strengthen our civil liberties. It is the prime duty of this House to be the fount of our democracy and its principal defender, and part of our democracy is the right to a fair trial, the right to be presumed innocent until proven guilty and the right to be treated with respect as a citizen of this country. Many of us feel that in recent years too many powers have been taken away from our citizens and that the presumption of guilt was visited upon those who had not stood a fair trial. Indeed, some people were detained with no trial ever in prospect, which I found profoundly shocking.

As someone who is well aware of the threat of terrorism, having been on terrorist death lists when we had a different kind of terrorism, I understand the need to tackle it, but I have never felt that we should tackle it at the expense of the civil liberties of the British people. Having watched this House give away all too many of its powers to do good to the Brussels bureaucracy, I find it an extraordinary paradox that that went alongside taking away more and more powers and rights from the British people, when we should have been the very origin of their liberties and the first line of defence of their freedoms.

I take issue with only one thing the Home Secretary said in her admirable speech: she said that liberties had not only been taken for granted, but been achieved without violence. Unfortunately they had to be fought for in this country, but it was so long ago that we no longer remember those who died in those conflicts. There was a civil war in this country in support of freedoms and rights, there were other battles, riots and rebellions, and over the years the British people expressed their democratic wish. At the heart of that democracy was not only this representative democracy here in Westminster, but the fundamental liberties of the British people: the right to a fair trial and the right not to be detained by the strength and might of the state without cause being given and without movement to trial on a speedy basis.

Of all the measures set out in the Bill, I am proudest of the Government's decision to roll back the number of days of detention that is permitted without due cause being given, and I hope that the Government will always want to ensure that they arrest and detain people only when they have reasonable evidence and when they intend to move quickly to trial. If the Government are still, understandably, worried about terrorism, surely it is better that we put people under surveillance from a distance, do not arrest them until we are absolutely sure of their part in the potential terrorist cell or threat, and then make the arrest and bring the case. I am distrustful of arresting people on poor suspicion and then not being able to bring any case against them in a court of law. I thought that we were fighting for a democracy where such things did not happen, so I find it unacceptable that for a period of years they did happen in our country, whatever good or well intentioned reason lay behind it.

I am also pleased that the Bill has tackled other irritations and annoyances in our bureaucracy. The Home Secretary is quite right that 1,200 separate powers of entry into our households is unacceptable in a free society, so I am pleased that the Bill makes a modest start in trying to roll them back, but it gives the House an enabling power to get rid of some of those powers of entry by subsequent order. The list in the legislation is small, on the whole historical and will not have much impact, so I hope that my right hon. Friend and her dedicated team of enthusiastic Ministers will now go out and cull that list of 1,200 entry powers and not only agree with me that such activity should not take place in a free society, but be brave enough to come forward with a list of a few hundred such entry powers that we can do without.

An Englishman or Englishwoman should not have to fear the knock at the door. I used to read about that sort of thing in Russian novels, and I do not expect it in my own country, but too many decent, law-abiding, taxpaying and hard-working citizens do now fear the call of the bureaucrat, because they think that some of the legislation is too pernickety, not well intentioned and will be enforced perversely against them—*[Interruption.]* If the hon. Member for Blyth Valley (Mr Campbell) would like to intervene and share his dissent, I shall be very happy to give way, but I hope that he, like me, wishes to belong to a free society and feels that people should be innocent until proven guilty.

Mr Ronnie Campbell (Blyth Valley) (Lab): It was not like that during the miners' strike, was it? I remember them coming and knocking on my door several times.

Mr Redwood: I apply exactly the same rules and philosophy to miners as to anybody else. If things were done wrongly, it is quite wrong that they were so done, and the hon. Gentleman would need to show evidence and case, but I believe in the freedoms of the British people. There are too many inspectors who can come to call and too many rights of entry, so we do not just need this piece of legislation. We need to pursue it, coming forward with a sensible list of proposals under this law, so that we can reduce the incursions upon our freedom.

I am delighted that the Home Secretary has listened to the complaints about the way in which some car parks are administered. People are not serious criminals if they have broken parking rules, and sometimes the responses by private operators, whom the Bill addresses, have been way over the top. They can also be over the top from public sector operators, who are meant after all to help the public, not to stop them driving to the shops if they have heavy bags to take back or whatever they need to do. We need a sense of proportion in parking rules, regulations and enforcement, and the Bill makes a welcome contribution to dealing with the issue.

It is also important that the Government have listened to the many representations that we have all received over the months since Labour made proposals concerning the administration of Criminal Records Bureau checks. The thing that caused me most concern about the previous Government's proposals was the lack of a passport—the lack of common sense. One could have a perfectly good peripatetic teacher, who was going to spend two weeks in one school, three weeks in another and all the rest of it, but they apparently had to go through the cost and palaver of being checked over each time for each assignment, when any sensible person would have issued them with a letter or certificate at the beginning, saying, "This is a peripatetic teacher, at this date they were all clear."

Obviously, we might want to check up on such people at periodic intervals, but not every fortnight or every three weeks when they change school. The situation was completely crazy, so I am glad that we have a passport and that the Home Secretary has also found a way to reduce the number of such people from 11 million, given that many grandparents, uncles and aunts were tied up in the crazy process because they were trying to help not just the children of their own family, but their children's friends, and fell foul of the regulations. We needed some common sense and proportionality in all that.

CCTV can play an important role, but I was pleased when the tactics of the police changed in response to the recent looting and rioting. They decided that it was probably easier to arrest people at the scene of the crime so that they were their own witnesses; if several police say that a person was involved and they arrest them on the spot, the court will believe them. That is better than trying to work out who the person was a week or two later from CCTV images that might not have caught the person's face to best effect.

Mark Tami: Does the right hon. Gentleman not accept that a lot of people were caught through CCTV—and through DNA evidence, which the Bill would destroy?

Mr Redwood: I am just making the point that there was an easier way of capturing a lot of those criminals and that what the police decided to do was welcome. I am not saying that there should be no CCTV in future, and I do not believe that that is the intention behind the Bill; its use, however, should be proportionate and sensible.

CCTV should be used in such a way that the law-abiding community feel that it is in their interests and not being used against them. There are now cases in which the law-abiding community feels that CCTV is too intrusive and does not help tackle crime as they would like. Some of that can be tackled by the welcome change in police tactics that we saw recently. It will not all be tackled in that way, because there will be cases in which the robbing, rioting or looting is spontaneous and the police are not there immediately when it breaks out. In those circumstances, CCTV can help.

Mark Tami: Has anyone from the law-abiding community come to see the right hon. Gentleman to ask for CCTV to be removed from their area?

Mr Redwood: Constituents have put to me the case against and in favour; it depends where the CCTV is, what it is going to be used for, whether it is going to be effective and whether it provides value for money. It needs to be properly appraised and used so that people feel that it makes a contribution.

I am also glad that the Government have had another look at stop and search; we want stop-and-search powers to be used only when the police have good reason to be suspicious and the response is therefore proportionate. Abusing or over-using the power is not proportionate. Good police would not do that, but the Bill makes the Government's intentions clear.

I know that other Members wish to speak in the limited time available, so I shall sum up. The Bill is an extremely welcome contribution to restoring the liberties of the British people, and it should be our prime duty to uphold those. I have identified some that I think are most important. If I had to single out just one, it would be the change in the approach to detention without trial or without a proper charge having being made; that is absolutely fundamental to our civil liberties.

The Government can go much further on the intrusion and powers of entry, which have got out of control. One of the reasons why we have so many criminals now is that we have so many laws that make people criminals. It would be welcome if there were fewer crimes in our laws and if we concentrated on the really serious crimes instead of giving the state enormous powers to turn anybody's conduct into a crime if they do not happen to agree with a particular part of the bureaucracy or if they make a mistake under the bureaucrats' methods of procedure.

Andrew Miller: How does the right hon. Gentleman square that statement with the fact that crime is falling?

Mr Redwood: If overall crime is falling, that is extremely welcome news, although there are disputes about the figures. But it is obvious that the last Government

[Mr Redwood]

created an enormous number of new offences, without which we lived perfectly well for hundreds of years. We need to review how many criminal offences are on the statute book.

Stephen Phillips: Does my right hon. Friend agree that we probably did not need the new criminal offence, introduced by the last Government, of impeding an apricot orchard inspector in the course of his duties?

Mr Redwood: My hon. and learned Friend has come up with an admirable example that I did not know about; there are many others, but we do not have the time to list them all. I hope that the Home Secretary and her colleagues will review the number of crimes so that we can concentrate on the serious ones—the ones that most people consider to be proper crimes—rather than spending so much time arguing about and enforcing things of rather less significance, for the convenience of some bureaucrats and not others.

I know that others wish to speak, Mr Speaker—

Mr Speaker: Order. May I interrupt the right hon. Gentleman? It is always a great pleasure to listen to his mellifluous tones and the content of his argument. I simply say to him that he is not under any obligation to conclude if he does not wish to. If he does wish to, however, he can.

Hon. Members: More, more!

Mr Redwood: I am grateful for your generous intervention, Mr Speaker, but I have been warned that two other colleagues wish to speak. It would be discourteous to them and the House not to let them, so I draw my remarks to a close.

Mr Speaker: Order. The Question is that the Bill—*[Interruption.]* Well, it is helpful if colleagues stand if they are seeking to catch my eye. The Speaker has some qualities, but he is not psychic.

9.45 pm

Nicola Blackwood: I rise to speak as someone who was a member of the Committee scrutinising the Bill. It is the first Bill that I have followed through from beginning to end and the experience has been, in equal measure, a joy, an insight, and, at times, a disappointment.

Starting with DNA, there has been a lot of talk about the need to balance the rights of victims and the civil liberties of the public, but there has not been a lot of balanced rhetoric in those discussions. Nobody doubts that DNA is a crucial investigatory tool for the police, but it is just one of the tools at their discretion. One of the pieces of evidence given to the Home Affairs Committee when it looked into the issue was that an average of 0.67% of convictions rely on DNA evidence. It is important to remember that when the Opposition cite endless cases in which they say that otherwise people would not have been brought to book.

John Robertson (Glasgow North West) (Lab): I accept the point that the hon. Lady is trying to make, but would it not be fairer to say that in serious crimes the percentage will be a great deal higher than 0.67%? If one takes all crime into consideration, then DNA will not count for much, but when it comes to murder and suchlike, the percentage will be a great deal higher.

Nicola Blackwood: I take all issues of crime and the victims of crime extremely seriously, and so must this House. I would not distinguish between them in that way.

I move on to the question of a six-year limit versus a three-year limit. The Opposition have decided to lay the accusation that their choice of six years is based on secure evidence, but one of their pieces of so-called statistical evidence was based on an extremely small sample that was carried out by the Jill Dando Institute for Crime Science. Its director later noted, in September 2009, that that research study

> "was probably a mistake with hindsight, we should have just said 'you might as well just stick your finger in the air and think of a number'".

Stephen Phillips: Does my hon. Friend agree that there is no magic in six years, as the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) would have us believe? There is no significant or substantial evidence that supports six years; it is a number that has simply been plucked from the air in an opportunistic attempt to attack the Bill.

Nicola Blackwood: The decision to go for three years is based on the recommendation of the Home Affairs Committee, which took extensive evidence on the issue. Three years versus six years is merely a matter of judgment. Furthermore, it will be three years plus an extension of two years, to ensure that there would be the option of retaining the DNA for five years. I weigh that against the fact that the Bill will remove the DNA of 1 million innocent people from the database—people who feel that they have been criminalised by the system that was put in place. It was done with the best of intentions, to ensure that victims are protected—that is well understood—but it is important to bring proportion into the system, and that is what the Government's proposals are designed to do.

Andrew Miller: Will the hon. Lady give way?

Nicola Blackwood: I will move on to CCTV, as another colleague wishes to speak.

No one is claiming that CCTV does not have a valuable role to play. The claim that violent criminals will go free because the Government intend to reduce the number of CCTV cameras by introducing a voluntary regulatory code is unimaginably inaccurate. The regulatory code is intended to ensure that it is possible to know where cameras will be placed. There will be consultation with the community so that there can be support from the community. Given that a major concern is the fear of crime and the escalation of the fear of crime, I feel that this is a move in the right direction.

One concern that police have raised is that they struggle to deal with many CCTV cameras being turned in the wrong direction, switched off or not functioning properly. A regulatory framework will give the opportunity to improve quality across the CCTV network and ensure that we improve crime detection by having a CCTV network that is functioning properly across the board.

The concern of everybody in this House is first and foremost the protection of children. There is not one Member of this House who does not want to ensure that children are protected in every possible way. There is no doubt that that is the case, but even with the current vetting and barring system, under which 9.3 million people are routinely monitored, problems of child protection have persisted. I was particularly concerned by evidence given to the Public Bill Committee that the Independent Safeguarding Authority has not been passing on to the police concerns that it has received about individuals or information about individuals who have been barred. People in schools who have had concerns passed to them have also not been passing those concerns on to the police, although that might be because of concerns about children's privacy or their being upset. I welcome the Government's move to produce guidance and I urge that that guidance be written in the strongest possible terms, because I find it inexplicable that the ISA has not considered it a primary duty routinely to inform the police of its concerns about child protection.

Of course, I also welcome the reforms of stop and search, the reduction of pre-charge detention periods and the requirement for consent to use biometrics in schools. I cannot imagine why anybody would want to take fingerprints or obtain biometric information from children in schools.

I know that another colleague wishes to speak, so I will conclude by saying that over the past 10 years, the Labour party has given away liberties without evidence, as far as I can see, that doing so would make us safer. Our democracy and our people's confidence in their country are weaker for that. I am happy to support the Bill.

9.53 pm

Stephen Phillips: I rise, of course, to lend my support to this welcome Bill and to thank the Government for starting to deal with the plethora of inroads into our civil liberties that were made by the last Labour Administration.

My right hon. Friend the Member for Carshalton and Wallington (Tom Brake) said that this is a Christmas tree of a Bill. It deals with a number of separate matters or, as he described them, baubles on the tree. It is none the less welcome for the simple reason, of which the House will be aware, that inroads into the fundamental freedoms that this House exists to protect and that we have taken for granted for the entirety of our lives and our history need only be made, in short order, for us subsequently to see further inroads made into those liberties, in a way that none of us in this House ought to welcome.

One has only to consider the point I put to the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) about the retention of the DNA of innocent persons to know that the last Labour Government struck the wrong balance. The proposals in the Bill, in my judgment—and it is a question of judgment, as my hon. Friend the Member for Oxford West and Abingdon (Nicola Blackwood) made clear a few moments ago—strike the right balance.

Andrew Miller: The hon. and learned Gentleman is mathematically wrong. It is not a question of judgment, it is a matter of probability, tending towards certainty, because 23,000 people will now be out there with the potential to commit crimes.

Stephen Phillips: The hon. Gentleman expresses a view with regard to his judgment, but it is a view—

Andrew Miller: It is not judgment, it is a fact.

Stephen Phillips: It is an exercise of judgment, and in my judgment and that of the Government whom I support, three years is sufficient to retain DNA. Making inroads into the civil liberties that we have come to expect and respect, and that we wish to have in this country, is not a reason to go beyond three years. The hon. Gentleman debates whether to retain for three or six years, but I ask him and the whole House, where is the magic in the six-year figure? If six years, why not nine? If nine, why not 15? If 15, why not retain the DNA of 11 million people never convicted of a crime for the entirety of their lives and into the future?

Andrew Miller: Simply because the curve produced by the self-same Home Office that produced the Bill demonstrates what the former Home Secretary, my right hon. Friend the Member for Kingston upon Hull West and Hessle (Alan Johnson), said: that there is a clear mathematical relationship and in six years we have a way of dealing very neatly with a substantially greater number of potential criminals than the three-year period offers.

Stephen Phillips: So there we are, the House has it—it is a curve. Does that not savour of the statistics, initiatives, targets and strategies that we had from the last Government? Is it not about time that hon. Members started exercising judgment with regard to what is important? In my judgment, what is important is that the British people are entitled to have their liberties respected. They were not respected under the last Government, and this coalition Government are beginning to address the inroads that the last Government made into the liberties of the British people.

I am going to draw my remarks to a close—[HON. MEMBERS: "Hear, hear!"] Well, I am pleased to have some assent from the Opposition Benches. We have a Bill before the House of which we can all be proud, and I urge right hon. and hon. Members on the Opposition Benches who sat idly by while the liberties of the British people were not respected to go through the Aye Lobby tonight and give the Bill the Third Reading it deserves.

Question put, That the Bill be now read the Third time.

The House divided: Ayes 320, Noes 227.

Division No. 382] **[9.58 pm**

AYES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Amess, Mr David
Andrew, Stuart
Arbuthnot, rh Mr James
Bacon, Mr Richard
Baker, Norman
Baker, Steve
Baldry, Tony
Baldwin, Harriett
Barclay, Stephen
Baron, Mr John
Barwell, Gavin
Bebb, Guto
Beith, rh Sir Alan
Bellingham, Mr Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Bingham, Andrew
Binley, Mr Brian
Birtwistle, Gordon
Blackwood, Nicola
Blunt, Mr Crispin
Boles, Nick

Bone, Mr Peter
Bradley, Karen
Brady, Mr Graham
Brake, rh Tom
Bray, Angie
Brazier, Mr Julian
Brine, Mr Steve
Brokenshire, James
Brooke, Annette
Browne, Mr Jeremy
Bruce, Fiona
Bruce, rh Malcolm
Buckland, Mr Robert
Burley, Mr Aidan
Burns, Conor
Burns, rh Mr Simon
Burrowes, Mr David
Burstow, Paul
Burt, Alistair
Burt, Lorely
Byles, Dan
Cable, rh Vince
Cairns, Alun
Campbell, rh Sir Menzies
Carmichael, rh Mr Alistair
Carmichael, Neil
Carswell, Mr Douglas
Cash, Mr William
Chishti, Rehman
Chope, Mr Christopher
Clappison, Mr James
Clark, rh Greg
Clarke, rh Mr Kenneth
Clifton-Brown, Geoffrey
Colvile, Oliver
Cox, Mr Geoffrey
Crabb, Stephen
Crockart, Mike
Crouch, Tracey
Davey, Mr Edward
Davies, David T. C.
(Monmouth)
Davies, Glyn
Davis, rh Mr David
de Bois, Nick
Djanogly, Mr Jonathan
Dorrell, rh Mr Stephen
Dorries, Nadine
Doyle-Price, Jackie
Drax, Richard
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Edwards, Jonathan
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Jonathan
Fabricant, Michael
Farron, Tim
Featherstone, Lynne
Foster, rh Mr Don
Fox, rh Dr Liam
Francois, rh Mr Mark
Freeman, George
Freer, Mike
Fullbrook, Lorraine
Fuller, Richard
Gale, Mr Roger
Garnier, Mark
Gauke, Mr David
George, Andrew
Gibb, Mr Nick
Gilbert, Stephen
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Gray, Mr James
Grayling, rh Chris
Green, Damian
Greening, Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, Ben
Gyimah, Mr Sam
Halfon, Robert
Hames, Duncan
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, Matthew
Hancock, Mr Mike
Harper, Mr Mark
Harrington, Richard
Hart, Simon
Harvey, Nick
Haselhurst, rh Sir Alan
Hayes, Mr John
Heald, Oliver
Heath, Mr David
Heaton-Harris, Chris
Hemming, John
Henderson, Gordon
Hendry, Charles
Herbert, rh Nick
Hinds, Damian
Hoban, Mr Mark
Hollingbery, George
Hollobone, Mr Philip
Holloway, Mr Adam
Hopkins, Kris
Horwood, Martin
Hosie, Stewart
Howell, John
Hughes, rh Simon
Huhne, rh Chris
Huppert, Dr Julian
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margot
Javid, Sajid
Jenkin, Mr Bernard
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Kelly, Chris
Kirby, Simon
Knight, rh Mr Greg
Kwarteng, Kwasi
Latham, Pauline
Laws, rh Mr David
Leadsom, Andrea
Lee, Jessica
Lee, Dr Phillip
Lefroy, Jeremy
Letwin, rh Mr Oliver
Lewis, Brandon
Lewis, Dr Julian
Liddell-Grainger, Mr Ian
Lloyd, Stephen
Llwyd, rh Mr Elfyn
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Luff, Peter
Macleod, Mary
MacNeil, Mr Angus Brendan
Main, Mrs Anne
May, rh Mrs Theresa
Maynard, Paul
McCartney, Jason
McCartney, Karl
McIntosh, Miss Anne
McLoughlin, rh Mr Patrick
McPartland, Stephen
McVey, Esther
Mensch, Louise
Menzies, Mark
Mercer, Patrick
Metcalfe, Stephen
Miller, Maria
Mills, Nigel
Milton, Anne
Mitchell, rh Mr Andrew
Moore, rh Michael
Morgan, Nicky
Morris, Anne Marie
Morris, James
Mosley, Stephen
Mowat, David
Mulholland, Greg
Munt, Tessa
Murray, Sheryll
Murrison, Dr Andrew
Neill, Robert
Newmark, Mr Brooks
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
O'Brien, Mr Stephen
Offord, Mr Matthew
Ollerenshaw, Eric
Opperman, Guy
Ottaway, Richard
Parish, Neil
Paterson, rh Mr Owen
Pawsey, Mark
Penning, Mike
Penrose, John
Percy, Andrew
Perry, Claire
Phillips, Stephen
Pickles, rh Mr Eric
Pincher, Christopher
Poulter, Dr Daniel
Prisk, Mr Mark
Pugh, John
Raab, Mr Dominic
Redwood, rh Mr John
Rees-Mogg, Jacob
Reevell, Simon
Reid, Mr Alan
Robathan, rh Mr Andrew
Robertson, Hugh
Robertson, Mr Laurence
Rogerson, Dan
Rosindell, Andrew
Rudd, Amber
Ruffley, Mr David
Russell, Bob
Rutley, David
Sandys, Laura
Scott, Mr Lee
Selous, Andrew
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simmonds, Mark
Simpson, Mr Keith
Skidmore, Chris
Smith, Miss Chloe
Smith, Henry
Smith, Julian
Smith, Sir Robert
Soames, rh Nicholas
Soubry, Anna
Spelman, rh Mrs Caroline
Spencer, Mr Mark
Stanley, rh Sir John
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, Mel
Stuart, Mr Graham
Stunell, Andrew
Sturdy, Julian
Swales, Ian
Swayne, rh Mr Desmond
Swinson, Jo
Swire, rh Mr Hugo
Syms, Mr Robert
Tapsell, rh Sir Peter
Teather, Sarah
Thurso, John
Timpson, Mr Edward
Tomlinson, Justin
Tredinnick, David
Truss, Elizabeth
Turner, Mr Andrew
Uppal, Paul
Vaizey, Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, Mr Ben
Walter, Mr Robert
Ward, Mr David
Watkinson, Angela
Weatherley, Mike
Webb, Steve
Weir, Mr Mike
Wharton, James
Wheeler, Heather
White, Chris
Whiteford, Dr Eilidh
Whittaker, Craig
Wiggin, Bill
Willetts, rh Mr David
Williams, Hywel
Williams, Mr Mark
Williams, Roger
Williams, Stephen
Williamson, Gavin
Willott, Jenny
Wilson, Mr Rob
Wilson, Sammy

Wishart, Pete
Wollaston, Dr Sarah
Wright, Jeremy
Wright, Simon
Yeo, Mr Tim
Young, rh Sir George
Zahawi, Nadhim

Tellers for the Ayes:
Norman Lamb and
James Duddridge

NOES

Abbott, Ms Diane
Abrahams, Debbie
Ainsworth, rh Mr Bob
Alexander, rh Mr Douglas
Alexander, Heidi
Allen, Mr Graham
Anderson, Mr David
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bain, Mr William
Balls, rh Ed
Banks, Gordon
Barron, rh Mr Kevin
Bayley, Hugh
Beckett, rh Margaret
Begg, Dame Anne
Bell, Sir Stuart
Benn, rh Hilary
Berger, Luciana
Betts, Mr Clive
Blackman-Woods, Roberta
Blenkinsop, Tom
Blomfield, Paul
Bradshaw, rh Mr Ben
Brennan, Kevin
Brown, Lyn
Brown, rh Mr Nicholas
Brown, Mr Russell
Bryant, Chris
Burden, Richard
Burnham, rh Andy
Campbell, Mr Alan
Campbell, Mr Gregory
Campbell, Mr Ronnie
Chapman, Mrs Jenny
Clark, Katy
Clarke, rh Mr Tom
Clwyd, rh Ann
Coaker, Vernon
Coffey, Ann
Connarty, Michael
Cooper, Rosie
Cooper, rh Yvette
Crausby, Mr David
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cunningham, Alex
Cunningham, Mr Jim
Cunningham, Tony
Curran, Margaret
Danczuk, Simon
Darling, rh Mr Alistair
David, Mr Wayne
Davidson, Mr Ian
Davies, Geraint
De Piero, Gloria
Denham, rh Mr John
Dobbin, Jim
Dobson, rh Frank
Docherty, Thomas
Dodds, rh Mr Nigel
Donohoe, Mr Brian H.
Dowd, Jim
Doyle, Gemma
Dromey, Jack
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Eagle, Maria
Efford, Clive
Elliott, Julie
Ellman, Mrs Louise
Esterson, Bill
Evans, Chris
Field, rh Mr Frank
Fitzpatrick, Jim
Flello, Robert
Flint, rh Caroline
Flynn, Paul
Fovargue, Yvonne
Francis, Dr Hywel
Gapes, Mike
Gardiner, Barry
Gilmore, Sheila
Glass, Pat
Glindon, Mrs Mary
Godsiff, Mr Roger
Goggins, rh Paul
Goodman, Helen
Greatrex, Tom
Green, Kate
Griffith, Nia
Gwynne, Andrew
Hain, rh Mr Peter
Hamilton, Mr David
Hamilton, Fabian
Hanson, rh Mr David
Harman, rh Ms Harriet
Harris, Mr Tom
Havard, Mr Dai
Healey, rh John
Hendrick, Mark
Hepburn, Mr Stephen
Hermon, Lady
Hillier, Meg
Hilling, Julie
Hodge, rh Margaret
Hood, Mr Jim
Hopkins, Kelvin
Hunt, Tristram
Irranca-Davies, Huw
Jackson, Glenda
James, Mrs Siân C.
Jamieson, Cathy
Jarvis, Dan
Johnson, rh Alan
Johnson, Diana
Jones, Helen
Jones, Mr Kevan
Jones, Susan Elan
Joyce, Eric
Kaufman, rh Sir Gerald
Kendall, Liz
Khan, rh Sadiq
Lammy, rh Mr David
Lazarowicz, Mark
Leslie, Chris
Love, Mr Andrew
Lucas, Caroline
Lucas, Ian
MacShane, rh Mr Denis
Mactaggart, Fiona
Mahmood, Mr Khalid
Mahmood, Shabana
Mann, John
Marsden, Mr Gordon
McCabe, Steve
McCann, Mr Michael
McCarthy, Kerry
McClymont, Gregg
McCrea, Dr William
McDonagh, Siobhain
McFadden, rh Mr Pat
McGovern, Alison
McGovern, Jim
McGuire, rh Mrs Anne
McKechin, Ann
McKenzie, Mr Iain
McKinnell, Catherine
Meacher, rh Mr Michael
Mearns, Ian
Michael, rh Alun
Miliband, rh David
Miller, Andrew
Moon, Mrs Madeleine
Morden, Jessica
Morrice, Graeme *(Livingston)*
Morris, Grahame M.
(Easington)
Mudie, Mr George
Munn, Meg
Murphy, rh Paul
Murray, Ian
Nandy, Lisa
Nash, Pamela
O'Donnell, Fiona
Onwurah, Chi
Osborne, Sandra
Owen, Albert
Pearce, Teresa
Perkins, Toby
Pound, Stephen
Qureshi, Yasmin
Raynsford, rh Mr Nick
Reed, Mr Jamie
Reeves, Rachel
Reynolds, Emma
Reynolds, Jonathan
Riordan, Mrs Linda
Ritchie, Ms Margaret
Robertson, John
Robinson, Mr Geoffrey
Rotheram, Steve
Roy, Mr Frank
Roy, Lindsay
Ruane, Chris
Sarwar, Anas
Seabeck, Alison
Shannon, Jim
Sharma, Mr Virendra
Sheerman, Mr Barry
Sheridan, Jim
Shuker, Gavin
Simpson, David
Skinner, Mr Dennis
Slaughter, Mr Andy
Smith, rh Mr Andrew
Smith, Angela
Smith, Nick
Smith, Owen
Spellar, rh Mr John
Straw, rh Mr Jack
Stringer, Graham
Stuart, Ms Gisela
Sutcliffe, Mr Gerry
Tami, Mark
Thomas, Mr Gareth
Thornberry, Emily
Timms, rh Stephen
Trickett, Jon
Turner, Karl
Twigg, Derek
Twigg, Stephen
Umunna, Mr Chuka
Vaz, Valerie
Walley, Joan
Watts, Mr Dave
Whitehead, Dr Alan
Wicks, rh Malcolm
Wilson, Phil
Winnick, Mr David
Winterton, rh Ms Rosie
Woodcock, John
Wright, David
Wright, Mr Iain

Tellers for the Noes:
Nic Dakin and
Graham Jones

Question accordingly agreed to.

Bill read the Third time and passed.

Business without Debate

DEFERRED DIVISIONS

Motion made, and Question put forthwith (Standing Order No. 41A(3)),

That, at this day's sitting, Standing Order No. 41A (Deferred divisions) shall not apply to the Motion in the name of the Secretary Theresa May relating to Prevention and Suppression of Terrorism, and the Motion in the name of Mr Mark Hoban relating to Financial Assistance to Ireland and Portugal.—*(Bill Wiggin.)*

Question agreed to.

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

Prevention and Suppression of Terrorism

That the Terrorism Act 2000 (Remedial) Order 2011 (S.I., 2011, No. 631) dated 16 March 2011, a copy of which was laid before this House on 17 March, be approved.—*(Bill Wiggin.)*

Question agreed to.

Mr Speaker: Before I ask the Whip to move the motion 4, and before any consequent activity or indication, I ought to say that I think that there is a mistake in the wording of the motion on the Order Paper. It ought not to say "the Committee"; it ought to say "this House". Members are nodding knowingly. I am merely reminding them of something of which they were keenly conscious in any case, but there you go.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith (Standing Order No. 119(11)),

Financial Assistance to Ireland and Portugal

That this House takes note of European Union Documents No. 9776/11 relating to a Draft Council implementing Decision on granting Union financial assistance to Portugal, No. 9780/2/11, relating to a Council implementing Decision on granting Union financial assistance to Portugal, and No. 9777/11 relating to a draft Council implementing Decision amending implementing Decision 2011/77/EU of 7 December 2010 on granting Union financial assistance to Ireland; notes the importance of financial stability in the Euro area for the UK; welcomes the recent steps being taken by the governments of Ireland and Portugal to promote growth and return their economies to a sustainable path; welcomes the Government's success in securing agreement that the European Financial Stabilisation Mechanism will cease to exist once the permanent, Euro area-only, European Stability Mechanism becomes operational in July 2013; and that Article 122(2) of the Treaty on the Functioning of the EU, the basis for the emergency arrangements, will no longer be needed for such purposes.—*(Bill Wiggin.)*

The House divided: Ayes 271, Noes 22.

Division No. 363] **[10.13 pm**

AYES

Adams, Nigel
Afriyie, Adam
Aldous, Peter
Amess, Mr David
Andrew, Stuart
Arbuthnot, rh Mr James
Bacon, Mr Richard
Baker, Norman
Baldry, Tony
Baldwin, Harriett
Barclay, Stephen
Barwell, Gavin
Bebb, Guto
Beith, rh Sir Alan
Bellingham, Mr Henry
Benyon, Richard
Beresford, Sir Paul
Berry, Jake
Bingham, Andrew
Birtwistle, Gordon
Blackwood, Nicola
Blunt, Mr Crispin
Boles, Nick
Bradley, Karen
Brady, Mr Graham
Brake, rh Tom
Bray, Angie
Brazier, Mr Julian
Brokenshire, James
Brooke, Annette
Browne, Mr Jeremy
Bruce, Fiona
Bruce, rh Malcolm
Buckland, Mr Robert
Burley, Mr Aidan
Burns, Conor
Burns, rh Mr Simon
Burrowes, Mr David
Burt, Alistair
Burt, Lorely
Byles, Dan
Cable, rh Vince
Cairns, Alun
Campbell, rh Sir Menzies
Carmichael, rh Mr Alistair
Carmichael, Neil
Chishti, Rehman
Clark, rh Greg
Clifton-Brown, Geoffrey
Colvile, Oliver
Cox, Mr Geoffrey
Crockart, Mike
Crouch, Tracey
Davey, Mr Edward
Davies, David T. C. *(Monmouth)*
Davies, Glyn
Davis, rh Mr David
de Bois, Nick
Djanogly, Mr Jonathan
Dorrell, rh Mr Stephen
Doyle-Price, Jackie
Drax, Richard
Duddridge, James
Duncan Smith, rh Mr Iain
Dunne, Mr Philip
Durkan, Mark
Ellis, Michael
Ellison, Jane
Ellwood, Mr Tobias
Elphicke, Charlie
Eustice, George
Evans, Graham
Evans, Jonathan
Fabricant, Michael
Farron, Tim
Featherstone, Lynne
Foster, rh Mr Don
Fox, rh Dr Liam
Francois, rh Mr Mark
Freeman, George
Freer, Mike
Fullbrook, Lorraine
Fuller, Richard
Garnier, Mark
Gauke, Mr David
George, Andrew
Gibb, Mr Nick
Gilbert, Stephen
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Gove, rh Michael
Graham, Richard
Grant, Mrs Helen
Grayling, rh Chris
Green, Damian
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, Ben
Gyimah, Mr Sam
Halfon, Robert
Hames, Duncan
Hammond, rh Mr Philip
Hammond, Stephen
Hancock, Matthew
Hancock, Mr Mike
Harper, Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Harvey, Nick
Hayes, Mr John
Heald, Oliver
Heath, Mr David
Heaton-Harris, Chris
Hemming, John
Hendry, Charles
Herbert, rh Nick
Hinds, Damian
Hoban, Mr Mark
Hollingbery, George
Hopkins, Kris
Horwood, Martin
Hosie, Stewart
Howell, John
Hughes, rh Simon
Huhne, rh Chris
Huppert, Dr Julian
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margot
Javid, Sajid
Johnson, Joseph
Jones, Andrew
Jones, Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Kirby, Simon
Knight, rh Mr Greg
Latham, Pauline
Laws, rh Mr David
Leadsom, Andrea
Lee, Jessica
Lee, Dr Phillip
Lefroy, Jeremy
Letwin, rh Mr Oliver
Lewis, Brandon
Lloyd, Stephen
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Luff, Peter
Macleod, Mary
MacNeil, Mr Angus Brendan
May, rh Mrs Theresa
McCartney, Jason
McCartney, Karl
McLoughlin, rh Mr Patrick
McPartland, Stephen
McVey, Esther
Mensch, Louise
Menzies, Mark
Metcalfe, Stephen
Miller, Maria
Mills, Nigel
Mitchell, rh Mr Andrew
Moore, rh Michael
Morgan, Nicky
Morris, Anne Marie
Morris, James
Mosley, Stephen
Mowat, David
Mulholland, Greg
Munt, Tessa
Murray, Sheryll
Murrison, Dr Andrew
Neill, Robert
Newmark, Mr Brooks
Newton, Sarah
Nokes, Caroline
Norman, Jesse
O'Brien, Mr Stephen
Ollerenshaw, Eric
Ottaway, Richard
Parish, Neil
Paterson, rh Mr Owen
Pawsey, Mark

Penning, Mike
Penrose, John
Perry, Claire
Phillips, Stephen
Pickles, rh Mr Eric
Pincher, Christopher
Poulter, Dr Daniel
Prisk, Mr Mark
Raab, Mr Dominic
Rees-Mogg, Jacob
Reid, Mr Alan
Ritchie, Ms Margaret
Robathan, rh Mr Andrew
Robertson, Hugh
Robertson, Mr Laurence
Rogerson, Dan
Rosindell, Andrew
Rudd, Amber
Ruffley, Mr David
Russell, Bob
Rutley, David
Sandys, Laura
Scott, Mr Lee
Selous, Andrew
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simmonds, Mark
Skidmore, Chris
Smith, Miss Chloe
Smith, Julian
Smith, Sir Robert
Soubry, Anna
Spelman, rh Mrs Caroline
Spencer, Mr Mark
Stephenson, Andrew
Stewart, Bob
Stewart, Iain
Stewart, Rory
Stride, Mel
Stunell, Andrew
Sturdy, Julian
Swales, Ian
Swayne, rh Mr Desmond
Swinson, Jo
Swire, rh Mr Hugo
Syms, Mr Robert
Tapsell, rh Sir Peter
Teather, Sarah
Thurso, John
Timpson, Mr Edward
Tomlinson, Justin
Tredinnick, David
Truss, Elizabeth
Uppal, Paul
Vaizey, Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Mrs Theresa
Walker, Mr Robin
Wallace, Mr Ben
Walter, Mr Robert
Watkinson, Angela
Weatherley, Mike
Webb, Steve
Weir, Mr Mike
Wharton, James
Wheeler, Heather
White, Chris
Whiteford, Dr Eilidh
Whittaker, Craig
Wiggin, Bill
Willetts, rh Mr David
Williams, Mr Mark
Williams, Roger
Williams, Stephen
Williamson, Gavin
Willott, Jenny
Wilson, Mr Rob
Wishart, Pete
Wollaston, Dr Sarah
Wright, Jeremy
Young, rh Sir George
Zahawi, Nadhim

Tellers for the Ayes:
Norman Lamb and
Stephen Crabb

NOES

Baker, Steve
Binley, Mr Brian
Campbell, Mr Gregory
Carswell, Mr Douglas
Cash, Mr William
Chope, Mr Christopher
Dodds, rh Mr Nigel
Goldsmith, Zac
Gray, Mr James
Hermon, Lady
Jenkin, Mr Bernard
Lewis, Dr Julian
Main, Mrs Anne
McCartney, Jason
McCrea, Dr William
Nuttall, Mr David
Percy, Andrew
Redwood, rh Mr John
Shannon, Jim
Simpson, David
Turner, Mr Andrew
Wilson, Sammy

Tellers for the Noes:
Mr Peter Bone and
Mr Philip Hollobone

Question accordingly agreed to.

BUSINESS OF THE HOUSE (13 OCTOBER)

Motion made,

That, at the sitting on Thursday 13 October,

(1) the Speaker shall put the Questions necessary to dispose of proceedings on the Motions in the name of Mr Greg Knight relating to Hand-held Electronic Devices in the Chamber, Select Committee Amendments, Explanatory Statements on Amendments to Bills, and Written Parliamentary Questions not later than one and a half hours after their commencement; and such Questions shall include the Questions on any Amendments selected by the Speaker which may then be moved;

(2) proceedings on the Motion in the name of Mr Greg Knight on Ministerial Statements may continue until three hours after commencement of proceedings on the Motions specified in paragraph (1), and shall then lapse if not previously disposed of.—*(Bill Wiggin).*

Hon. Members: Object.

DELEGATED LEGISLATION (COMMITTEES)

Ordered,

That the motions in the name of Sir George Young relating to the Electoral Commission and the Local Government Boundary Commission for England shall be treated as if they related to instruments subject to the provisions of Standing Order No. 118 (Delegated Legislation Committees) in respect of which notice has been given that the instruments be approved.—*(Bill Wiggin).*

WELSH GRAND COMMITTEE

Ordered,

That—

(1) the matter of the Government's Work Programme and its implications for Wales be referred to the Welsh Grand Committee for its consideration;

(2) the Committee shall meet at Wrexham County Council on Thursday 20 October between 11 am and 4 pm to consider the matter referred to it under paragraph (1) above.—*(Bill Wiggin).*

PROCEDURE

Ordered,

That, notwithstanding the provisions of Standing Order No. 121(2), Bridget Phillipson be discharged from the Procedure Committee and Nic Dakin be added.—*(Bill Wiggin).*

BUSINESS OF THE HOUSE (17 OCTOBER)

Motion made,

That, at the sitting on Monday 17 October, notwithstanding Standing Order No. 14(3A) (Arrangement of public business), the Speaker shall put the Questions necessary to dispose of the proceedings on the Motion in the name of Sir George Young relating to the Parliamentary Contributory Pension Fund not later than two hours after the commencement of proceedings on the Motion; and such Questions shall include the Questions on any Amendments selected by the Speaker which may then be moved.—*(Bill Wiggin.)*

Hon. Members: Object.

Steve Rotheram (Liverpool, Walton) (Lab): On a point of order, Mr Speaker. Will you specify the identity of the objector to the motion on the business of the House on 17 October so that it can be recorded in *Hansard,* and also explain the ramifications of the objection? Is it right that that objection will deny the House an opportunity to debate the Hillsborough disaster? It had taken 22 years to reach the point at which it was scheduled for debate in the Chamber.

Mr Speaker: I am grateful to the hon. Gentleman for his point of order—

Several hon. Members *rose—*

Mr Speaker: I will take more points of order if they are on the same matter—or, indeed, on other matters—and then I will respond. I will take a point of order first from the right hon. Member for Leigh (Andy Burnham), who is on the Opposition Front Bench, and then, of course, I will take one from the Leader of the House.

Andy Burnham (Leigh) (Lab): Further to the point of order from my hon. Friend the Member for Liverpool, Walton (Steve Rotheram), Mr Speaker. The debate on 17 October will be an unprecedented occasion, because 140,000 people signed an e-petition asking for an issue that has not been properly debated here for some 22 years to be brought back to the Floor of the House. They will regard what has just happened with great dismay. People have already booked travel to the House on that evening, and the families of those who died will be attending our proceedings. Surely it cannot be right for one Member to stand up—because he wants to talk about his own pension—and deny those people the opportunity to debate the important issues relating to the Hillsborough disaster, and the huge, huge injustice that was done to the families and the people of Liverpool.

Mr Speaker: I thank the right hon. Gentleman for his point of order.

Derek Twigg (Halton) (Lab) *rose—*

Mr Speaker: I think it right for the House to hear from the Leader of the House before I deal with the point of order from the hon. Member for Halton (Derek Twigg).

The Leader of the House of Commons (Sir George Young): Further to that point of order, Mr Speaker. The Government recognise the strength of feeling about the matter. We intend to table the motion for debate tomorrow, and if it is carried tomorrow—as I hope it will be—the business on Monday will take the shape outlined in motion 9.

Mr Speaker: I thank the Leader of the House for what he has said.

Several hon. Members *rose—*

Mr Speaker: Before anyone else says anything, let me say that I am not sure that that will be necessary.

I feel that I owe a response to the hon. Member for Liverpool, Walton (Steve Rotheram), who is a new Member of the House. It is not the practice to name—and certainly not for the occupant of the Chair to take it upon himself to name—a Member who has uttered the word "Object". No disorderly practice has taken place. There are rules and procedures of the House which have been followed. It is for the hon. Gentleman to interpret the effect of what was stated, and that he has done, very clearly, very explicitly, and, of course, very publicly, on the record. The right hon. Member for Leigh has done the same from the Front Bench, but I think that both Members will agree that the Leader of the House has made the Government's position very clear.

I intend to take one more point of order on this matter, but I hope that we can then proceed to the next business.

Derek Twigg: Further to that point of order, Mr Speaker. It is a worry that we will have to go through this procedure tomorrow, especially as the Government had an idea of what would happen tonight. We have families coming down on Monday who have had injustice upon injustice upon injustice heaped upon them, so why did the Government allow this situation to arise tonight? It is ridiculous that they did not sort it out earlier. They knew this could happen, and they should have sorted it out. I just hope that tomorrow we can get through this without any more problems.

Mr Speaker: I note what the hon. Gentleman has said, but the Leader of the House has made his position clear. I shall make two simple points. First, it is not the business of the Chair to worry; on the whole, it is best for the Chair not to devote any time to that, and I do not. Secondly, although of course I understand the hon. Gentleman's feelings, I know he will appreciate that it is one thing for him to put his very real irritation and consternation on the record, but it is another thing to expect the Chair to seek to extrapolate from every event and offer an interpretation of it. I do not think that is necessary. The Leader of the House has been clear, and I think that is appreciated.

Ms Angela Eagle (Wallasey) (Lab): Further to that point of order, Mr Speaker. I do not want to detain the House much longer, but I would like to put on the record our appreciation on this side of the House for the swift response of the Leader of the House, as a result of which we can get the position back to where we had all intended it to be, so that the families of all the victims—and, indeed, half of Merseyside, who will be travelling down to listen to the debate on the Hillsborough disaster on Monday—will not be denied the chance for this debate to take place in a timely fashion.

Mr Speaker: I thank the shadow Leader of the House for what she has said, and now that views have been expressed, I hope we can proceed to the Adjournment debate. *[Interruption.]* Order. Before I call Mr Jamie Reed, may I appeal to Members who are leaving the Chamber—if they feel they must leave—to do so quickly and quietly so that the rest of us can listen with interest to the hon. Gentleman?

Nuclear Power Production (Sellafield)

Motion made, and Question proposed, That this House do now adjourn.—*(Bill Wiggin.)*

10.32 pm

Mr Jamie Reed (Copeland) (Lab): First, I must say that it is a genuine disappointment that this debate will be overshadowed by a disgraceful attempt by an individual Member to thwart the debate on the Hillsborough tragedy. That should haunt him for the rest of his days.

I should also point out that the title of this debate is slightly incorrect. Although I will address power production and other nuclear-related issues in the course of my remarks, the title should refer to future nuclear fuel production at Sellafield.

I must declare some interests from the outset—somewhere in the region of 16,000 interests, as that is the number of jobs that rely on the Sellafield facility in my constituency. Many people wonder why I spend so much time on these issues, but, frankly, this topic means everything to my constituency. It underpins the economy, the sustainability of population levels, the housing market, our schools, our hospital services, our police service and other public services. In fact, it touches every single facet of west Cumbrian life, as I know the Minister is well aware.

I must place on record my appreciation to the Minister. We have a good working relationship, we share the same understanding of many of the complex issues before us, and I genuinely appreciate the way in which he in particular has continued to prosecute the policies of the British nuclear renaissance established under the last Government. These are issues of the utmost national importance economically, environmentally and in terms of energy security, and they require a concerted, long-term political consensus, particularly with regard to nuclear energy and nuclear policy. We both have to contend with elements in our parties who disagree with that view, but the Minister should know that he and I, and others who share our view, speak for the nation on this issue.

In April 2010 I introduced the Nuclear Fuel Cycle (Non-Proliferation and Public Liability) Bill in this House, and I commend it to the Minister as a template for future policy. It deals with how this nation treats the plutonium and uranium dioxide currently stored at Sellafield in my constituency, about which I will talk tonight. I modestly suggest that it is the best Bill of its kind ever to be introduced in this House, although I also fear that it is probably the only Bill of its kind ever to be introduced here.

Tonight's debate takes place against a backdrop of the Fukushima disaster and the decision taken in August to close the Sellafield MOX plant. As is widely understood, the two issues were closely related, and I repeat again, as a third generation nuclear worker from a community that genuinely understands and appreciates what it is like to be a nuclear community, my incredible respect for and gratitude to all those in Japan who worked to contain those dreadful events, and my respect for all those affected by them. I know that my community and the Sellafield work force stand ready to help that community in whatever way we can.

I know that the decision to close the Sellafield MOX plant was made with a heavy heart and had been discussed for many years. I again pay tribute to the Sellafield MOX plant work force, who are among the most talented and able in the country. They did everything humanly possible to turn that plant around. The Minister has visited the plant, so I know that he knows that. The decision to close the plant is in no way a reflection upon either the work force or their abilities, and I will always work to ensure that they have a meaningful and successful future. At this point, I must also mention the exemplary work done by the Sellafield work force, the Sellafield trade unions and the recently re-established Sellafield Workers Campaign. They undertook vital work in the aftermath of the closure announcement and gave community leadership in that context, and they represent the single best asset that either Sellafield or the nuclear industry has. I hope that the Minister and the Secretary of State will agree to join me in meeting those unions and union representatives very soon to discuss the issues raised in tonight's debate, as well as other issues.

The Minister will be aware of the importance of the Sellafield MOX plant, not only to my constituency but to west Cumbria and to Cumbria as a whole. It has supported, and currently still supports, thousands of jobs in an area where the economy is based on public spending and the private sector is also based on the contracts let by that publicly funded investment. Indeed, a recent study by *The Guardian* showed that my constituency was the most heavily reliant on public spending in the country, with about 50.3% of its economy based on public spending.

We know what went wrong at the Sellafield MOX plant. I have held numerous discussions with the people involved in that plant from the very beginning—from the boardroom to the shop floor—and there is a compelling consensus: the design was wrong; there was a drive to over-automate processes in the wake of the MOX data falsification episode; and the best practices, which are usually the simplest practices, from other countries adept at MOX fuel production were not followed. The product produced by the Sellafield MOX plant was excellent and the policy drivers that underpin it are impeccable, but the design and implementation of it in that plant were wrong. That said, the case for using the nation's stockpiled uranium and plutonium dioxide, whether in a MOX 2 or, theoretically, some other such commercial and industrial utilisation, such as General Electric-Hitachi's PRISM—power reactor innovative small module—concept is incontrovertible.

The nuclear industry is one of the few industries that can facilitate what I call "sweet-spot economics". That is the support of industries that, by themselves, can deliver improvements, progress and, in some cases, solutions to some of the most intractable policy problems facing us as a country. In west Cumbria the much admired and increasingly copied energy coast programme, of which a new MOX plant is a part, is based upon the sweet-spot theory. The development of the energy coast will: safeguard west Cumbria's economic future; help to rebalance the economy; increase the security of our energy supplies; deliver our non-proliferation objectives; and, in many ways, resolve the long-running policy problem of radioactive waste disposal.

[Mr Jamie Reed]

The case for MOX 2 is based upon sweet-spot economics as well. There exists at Sellafield tens of thousands of tonnes of uranium dioxide and approximately 115 tonnes of plutonium oxide. The consultations on how to classify that material recently ended and we now all anxiously await the Government's response.

To put it simply, there is a stark choice to be made. These materials are either waste or assets. If they are classified as waste, it will cost us billions of pounds of public money to treat, store and dispose of them. If, however, they are classified as assets, which they undeniably are, their value as component materials to service the growing international demand for MOX fuel will be enormous and they will be worth tens of billons of pounds to the British taxpayer and the nation.

As the Minister is aware, there is real interest from certain parties in developing a new MOX fuel manufacturing plant at Sellafield, and that should be pursued in the national interest. Using plutonium and uranium oxides in that way would certainly change the nature of the radioactive waste inventory that will eventually be placed in a deep geological facility somewhere in this country, perhaps in my constituency. That decision will be entirely in the hands of local people, not politicians, but the status and use of the plutonium and uranium oxides will inevitably have an effect on the process of voluntarism for the deep geological facility and on public attitudes as we go forward. The two are linked in the popular local consciousness, and so they should be.

In addition, the cost of disposing of those materials will easily outstrip the costs of a new MOX facility, even before the additional benefits are considered, but the fundamental question is why we need MOX 2. We need it to strengthen the industrial base that facilitates the nuclear fuel cycle in this country and provides us with the single best chance we have not only of meeting our nuclear non-proliferation objectives but helping other countries, particularly the United States, to meet theirs, too. We need it to help rebalance the British economy. An early intention from Government to proceed with MOX 2 would galvanise the local and national supply chain surrounding new build in west Cumbria and send out precisely the right investment signals at a time of real anxiety.

Jim Shannon (Strangford) (DUP): Does the hon. Gentleman, like many in this House—the majority, I hope—feel that Sellafield is a significant player in the future energy supply for this country? Following on from the urgent question earlier, does he also feel that the issues of health and of safeguarding health and security for the population around there are also paramount, and guaranteed by Government?

Mr Reed: I thank the hon. Gentleman for his intervention. Sadly, I missed the urgent question earlier, as I could have spoken for hours about the misconceptions, lies and myths about not only Sellafield but the nuclear industry. Sellafield is without doubt one of the most important industrial facilities in this country. There is nothing like it. In fact, it is one of the most important industrial facilities anywhere in the developed world. It no longer produces fuel, although we hope to see a site adjacent to Sellafield producing fuel with at least two new nuclear reactors in the very near future.

On the health issues surrounding the nuclear industry, I am a third generation nuclear worker, and the Sellafield work force are probably the most extensively and exhaustively studied and investigated work force anywhere in the world. The community I represent, which I am very proud to be from, has also been studied and investigated exhaustively over decades. There are locks, double locks and triple locks from the Government and a variety of health bodies about the environmental operating standards and public health standards of the nuclear industry. There is no issue to answer, and those who persist in maligning the industry and spreading malicious and false rumours do not only themselves but my community and this industry, which is so important to the country, a huge disservice, so I am grateful to the hon. Gentleman for that intervention.

I was talking about the need for MOX 2 and building the case for it. As well as needing it to rebalance the British economy and the local economy in west Cumbria, we need it to produce the fuel that we need to help power CO_2-free electricity generation through nuclear in the future. We need it to secure our national energy supplies better. We need it to expedite better and more quickly the creation of a geological disposal facility. West Cumbria needs it, the country needs it, and my constituents deserve nothing less.

Given the strength of the case, the overwhelming need and the ready ability of industry to develop such a facility, all that is now missing is an affirmative decision from Government and a rapid response to the plutonium consultation paper. The longer that takes, the harder it will be to deliver. The Minister understands haste. After some impassioned discussions, he accepted the logic and brought forward the operational date of a future geological disposal facility from 2040 to 2029, and that is absolutely to his credit.

Speeding up this process is important—and the process of voluntarism is another debate entirely, which is also within the hands of Government, or perhaps, more particularly, in the dead hands of the Treasury. We now need a quick decision from Government on the plutonium consultation. Industry, investors and the supply chain all require some clarity and certainty, as does my local work force and local community. If the Government respond positively to the plutonium consultation as I am asking them to do tonight, I would hope—this is an essential point—that a timetable would accompany such a decision, whereby the development of a new MOX plant could be prosecuted more quickly and the programme delivered effectively, on time and to budget in a way that would be entirely predictable for us all to see.

The need for urgency is real—a point that I consistently made to the last Government as I do to the present Government. If the Minister can provide the required urgency my community can provide the necessary partnership, and collectively we can solve some of the most pressing public policy issues facing our country.

10.45 pm

The Minister of State, Department of Energy and Climate Change (Charles Hendry): Thank you, Mr. Speaker, for granting this debate. I congratulate the hon. Member for Copeland (Mr Reed) on securing it and thank him for doing so. The matter is timely and important, not just to his constituency but to our national interest more generally. I am delighted to see on the Front Bench and to congratulate the right hon. Member for Don Valley (Caroline Flint) and the hon. Member for Rutherglen and Hamilton West (Tom Greatrex) on their appointments to the important positions in the shadow team.

I am grateful for the chance to clarify the Government's position on the future of the nuclear industry in Sellafield, although I cannot give the hon. Member for Copeland all of the answers that he seeks today. I begin by acknowledging the vital contribution that the nuclear industry makes to the economic prosperity of west Cumbria, and also the important contribution that the people of Copeland have made and continue to make to Britain's nuclear heritage. West Cumbria is at the heart of the UK's nuclear industry and has been since the early days in the 1950s. There is an enormous wealth of nuclear expertise and knowledge, and we want to maintain and use that for the future. The future is promising for west Cumbria as a nuclear community. There are plans for new nuclear to play a part, local authorities are expressing an interest in hosting a geological disposal facility, and decommissioning commitments are ongoing.

I can assure the hon. Gentleman that the Government are fully focused on working with west Cumbria to deliver these commitments, as we are in ensuring that new nuclear has a role to play in the UK's future energy mix. The hon. Gentleman was kind and generous in his comments and we agree on much, but I hope that he will understand that I was a little disappointed by some of his recent media comments about the pace of movement and progress in these areas. I hope that in the light of the terrible events in Fukushima some months ago he will have welcomed the ongoing commitment that the British Government have shown to nuclear in comparison with many other Governments elsewhere.

The UK has everything to gain from becoming the No. 1 destination to invest in new nuclear. Nuclear is the cheapest low-carbon source of electricity around, so it keeps the bills down and the lights on. The Government have remained committed in their efforts to ensure that the conditions are right for investment in new nuclear in the UK. We are very pleased to build on the legacy that we received in this area from Lord Hutton when he was Secretary of State.

We have made significant progress in the 18 months we have been in power to ensure that the conditions for investment are right. Last October, the Secretary of State made his decision that two nuclear reactor designs should be justified, which was approved by the House by a large majority of 520 votes to 27—one of the largest majorities that we have seen on any issue. In July we designated the national policy statements for energy infrastructure, including a list of suitable sites for nuclear power stations. Those had been delayed as a result of amendments to emissions in the earlier drafts, but I know that the hon. Gentleman was pleased that Sellafield was one of the sites included in that list. We have also created the Office for Nuclear Regulation, and we plan to bring forward legislation to create a new independent statutory body as soon as we can. The regulators are continuing to work with the industry to take forward the generic design assessment process for new reactors. They have published agreed resolution plans for the issues that need to be resolved, and they will also need to factor Dr Weightman's report into their final assessment.

In the coming months the Government will look to finalise the framework governing the financing of decommissioning and waste management for new nuclear power stations. That will ensure that operators make secure financial provision from the outset in line with the Government's policy that there should be no subsidy for new nuclear. We have done all that in the wake of the tragic circumstances at the Fukushima nuclear power plant in Japan. We needed to understand the facts before making any decisions. That is why my right hon. Friend the Secretary of State asked the chief nuclear inspector, Dr Mike Weightman, to look at what Fukushima means for nuclear energy in Britain and what lessons can be learned.

The UK is most certainly open for business in the nuclear sector. Investors know that EDF Energy will begin preliminary works at Hinkley Point soon and is preparing its planning application as we speak to put to the Infrastructure Planning Commission this autumn. I am also encouraged by the prospects for new nuclear in west Cumbria. The NuGeneration consortium has set out plans to build up to 3.6 GW of new nuclear capacity at Sellafield. We hope that construction will begin in 2015, with commercial operation of a new nuclear power station expected by 2023. Both Iberdrola and GDF SUEZ remain confident about new nuclear in west Cumbria and have increased their stakes in the project. They see no reason why the decision by Scottish and Southern Energy to end its involvement with NuGen should impact on their plans or timetable.

Sellafield is central to the west Cumbrian economy. The Sellafield site has been around for over half a century and has brought many new opportunities to the area. There are opportunities because we are pushing forward scientific frontiers in relation to clean-up and the management of radioactive waste. I congratulate west Cumbria sincerely on taking the lead in decommissioning one of the world's largest and most complex facilities. I am sure that the hon. Gentleman will welcome the fact that the Government have allocated extra resources to that vital work. As I have mentioned, new nuclear power is once again on the agenda and west Cumbria is at the forefront of this, with land earmarked for development next to the Sellafield site. That will potentially provide 5,000 construction jobs at peak and 1,000 long-term operating jobs. We join him in wanting to see the economic success for the community he represents.

Radioactive waste is of course always an issue of great importance when talking about the future of the nuclear industry. West Cumbria has also expressed an interest in the process of geological disposal of radioactive waste. We are working in partnership to explore what that would involve. Should west Cumbria decide to participate in the next stages of the process—I emphasise that, in relation to this matter, we strongly believe in the voluntarist principle—it would show a real commitment to finding a long-term solution for nuclear waste disposal. The community is to be applauded for having the vision to find out more about the reality of that process and for fully considering all the implications, including the potential economic benefits. I am grateful to the hon. Gentleman for welcoming the fact that we have sought to speed up the process by a decade.

The geological disposal facility would be a multi-billion pound engineering development on an enormous scale which will employ an average of over 500 people for

[Charles Hendry]

perhaps a century to come. Apart from the income generated, we expect that there will also be spin-off benefits through associated engineering and supply chain developments and potentially further additional benefits. Therefore, notwithstanding the long-term decommissioning of Sellafield that will see billions of pounds spent on cleaning up the site over the next 100 years, there are potentially major opportunities available to west Cumbria through the nuclear sector.

I now turn to the options for plutonium and the implications for future production of mixed oxide fuel at Sellafield. The future of MOX production at Sellafield can be described primarily by two recent events. The first was the publication in February of the Government's consultation on the long-term management of the UK's plutonium—we have the largest stockpile of plutonium in the world. The second was the Nuclear Decommissioning Authority's announcement in August that it was to close the existing Sellafield MOX plant. Although both events are to an extent linked, it must be remembered that the Sellafield MOX plant was built to deal with overseas-owned plutonium recovered through reprocessing and was never intended to deal with the UK's plutonium. A decision to close the SMP was taken by the NDA following a changed commercial risk profile arising from potential delays after the earthquake in Japan and subsequent events.

To ensure that the UK taxpayer did not carry a future financial burden from the SMP, the NDA concluded that the only reasonable course of action was to close the facility at the earliest practical opportunity. It was apparent that the SMP was never going to provide a solution for the large volumes of UK plutonium, which would need to be managed in new facilities. I am very grateful for the realistic approach that the hon. Gentleman has taken on that.

In our consultation on plutonium management we set out three high-level options for dealing with plutonium: continued storage; immobilisation followed by disposal as a waste; and reuse of the plutonium in the form of MOX fuel. The consultation set out at a high level the advantages and disadvantages of each option, but the Government's preliminary view was that the best prospect of implementing a successful solution lay with the option of reusing MOX as a fuel and, therefore, with seeing its value rather than simply its cost, as the hon. Gentleman rightly called for us to do.

That option was the more technically mature, given that MOX fuel had been successfully fabricated and used in reactors in Europe, and given that by comparison no equally mature immobilisation technology was readily employable. Nevertheless, we recognised that there were still risks with the reuse-as-MOX option, particularly given the poor performance of the Sellafield MOX plant. The poor performance put limitations on throughput, which meant that, even if we wanted to use it, the Sellafield MOX plant would never be able to deal with all the UK's plutonium.

For that reason, we acknowledged that to implement a reuse solution the Government would need to procure a new MOX plant, but as the hon. Gentleman is well aware, the UK also stores significant quantities of overseas-owned plutonium, so pursuing a reuse-as-MOX option for UK plutonium could offer an opportunity for the overseas owners of plutonium currently stored in the UK to have their plutonium managed in the same way.

Mr Reed: The Minister is making a series of important and well thought-through points, which I welcome. On overseas materials and foreign waste, could we at some point in the very near future sit down with concerned parties to undertake a scoping exercise with regard to what happens to the waste currently stored in my constituency which, in the event of Scottish independence, would no longer be British waste?

Charles Hendry: That departs just a little from the subject of the debate, and, although the hon. Gentleman is as determined as I am to see off that threat, we are dealing with an issue that is not going to arise. However, in the event of separation there would clearly be implications for a settlement and they would need to be addressed and resolved. It is premature, however, to sit down and deal with those issues at this stage.

Were we to proceed down the path of a reuse, any new MOX plant would need to learn from the lessons of the past and take into account the experience from overseas. Additionally we anticipate that, for security reasons and to minimise the transportation of plutonium, any new MOX facilities would be located as close to the plutonium as possible and most likely in west Cumbria, which I believe many of the hon. Gentleman's constituents would actively welcome. Plutonium management is a high-profile issue that requires appropriate consideration, and it is not a decision that can be taken quickly. The Government are in the process of clearing our response through Cabinet, and we anticipate being in a position to publish our response shortly.

I, like the Prime Minister, have made it clear that nuclear should remain part of the future energy mix, alongside other technologies such as renewable and carbon capture and storage, provided that there is no public subsidy for nuclear, and the Weightman report, published today, provides no grounds to question our approach that nuclear should be part of the energy mix in future, as it is today. The next step on plutonium management is for the Government to publish their response to the consultation paper, and, as I have just said, we are in the process of clearing our response through Cabinet and anticipate being in a position to make an announcement shortly.

We all recognise that nuclear power plays a significant role in the UK's electricity supply, but that nuclear also results in radioactive waste. West Cumbria has expressed interest in the geological disposal of radioactive waste, and we are working in partnership to explore what that would involve. I pay tribute to the community as a whole, to the hon. Gentleman as their Member of Parliament and to the local authorities for having the vision to find out more about the process and to work very closely with us to see how we can take it forward.

Question put and agreed to.

10.58 pm

House adjourned.

House of Commons

Wednesday 12 October 2011

The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

TRANSPORT FOR LONDON (SUPPLEMENTAL TOLL PROVISIONS) BILL [*LORDS*] (*BY ORDER*)

Second Reading opposed and deferred until Tuesday 18 October (Standing Order No. 20).

Oral Answers to Questions

WALES

The Secretary of State was asked—

Youth Unemployment

1. **Chris Ruane** (Vale of Clwyd) (Lab): What recent assessment she has made of the level of youth unemployment in Wales; and if she will make a statement. [72884]

The Parliamentary Under-Secretary of State for Wales (Mr David Jones): The latest youth unemployment figures for Wales are disappointing, and I am sure that there is still much for us to do to ensure that the recession does not leave a legacy of workless young people. We will ensure that young unemployed people get the personalised help that they need to find full-time permanent jobs. As part of our reform of the welfare system, we are introducing a number of measures to support young people in finding employment.

Chris Ruane: Forty-six per cent. of the workers in my constituency, and 45% of the workers in the hon. Gentleman's constituency, work in the public sector. The Government want to sack up to 25% of those workers: the theory is that they will be employed by the private sector. Given today's huge increases in unemployment, where are the jobs going to come from for those public sector workers?

Mr Jones: The hon. Gentleman will know that this Government inherited the most appalling economic legacy from the Labour party. That party seems to think that there is a bottomless purse to fund public sector jobs, irrespective of the economic state of the country. However, I am sure he will pleased to know that in his constituency there are, according to the latest figures, 273 vacancies, and I suggest that he encourage his constituents to seek those places.

Jonathan Evans (Cardiff North) (Con): Is my hon. Friend aware of the reports from the Joseph Rowntree Foundation and the Prince's Trust, which make it clear that the fivefold increase in youth unemployment in Wales is the legacy left to this Government by those on the Labour Benches? Given that context, and bearing in mind the Prince's Trust's success in getting 75% of young people into employment, work or training, will he commit the Government to working closely with the Prince's Trust and involving it closely in the Work programme?

Mr Jones: Like my hon. Friend, I commend the work of the Prince's Trust, and my right hon. Friend the Secretary of State has already had meetings with its representatives. I also remind the House that the Welsh Government have a significant role to play. They are in charge of economic development and are responsible for training, which is key to reducing youth unemployment.

Hywel Williams (Arfon) (PC): Is cutting the benefits for young people in order to encourage them to search for non-existent jobs not just a cruel mockery of their misfortune?

Mr Jones: I think that the hon. Gentleman will find that the Work programme, which this Government brought in, has introduced a level of tailored support for young people and others seeking work. The most important thing for people in the position of those he mentions is to regain work as quickly as possible.

Mr Mark Williams (Ceredigion) (LD): The Minister will be aware of the excellent work on youth training undertaken by Ceredigion Training in my constituency, which equips young people with the skills they need to gain work. Does he therefore share my concern that the Welsh Assembly Government have cut the work-based learning grant to Ceredigion Training, which means fewer apprenticeships and fewer opportunities for young people to get back into work?

Mr Jones: As my hon. Friend points out, the issue of economic development is firmly in the hands of the Welsh Assembly Government, as indeed is training. That is entirely a matter for them, but I am bound to say that, given the current economic backdrop, I was surprised that the economic development budget was cut last week.

Owen Smith (Pontypridd) (Lab): One of the flagship Government policies that was meant to help the private sector to grow in Wales was the national insurance holiday. That was meant to improve the prospects of 45,000 companies in Wales, but it has actually supported just 300—less than 0.7% of them. Will the Minister tell the Chancellor that it is not working in Wales and that he really needs to pull his finger out and help the 16,000 people who have found themselves on the dole as a result of this Government?

Mr Jones: The hon. Gentleman will find that the increase in unemployment is directly referable to the incompetent management of the economy by the Government whom he supported. Of course my right hon. Friend the Chancellor keeps such matters under constant review.

Inward Investment

2. **John Howell** (Henley) (Con): What discussions she has had with her ministerial colleagues on inward investment in Wales. [72885]

The Secretary of State for Wales (Mrs Cheryl Gillan): I am keen to attract more inward investment to Wales, as that is crucial to the recovery of the Welsh economy. I am working closely with ministerial colleagues, the Welsh Government and business to create an environment where companies choose to come to invest. One of our best adverts for Wales is our fantastic Welsh rugby team, and we all wish them well for their game at the weekend. They are a powerful advert for inward investment in Wales.

John Howell: Inward investment can be materially helped through enterprise zones. Does my right hon. Friend therefore regret the Welsh Administration's delay of six months in making a decision on enterprise zones?

Mrs Gillan: My hon. Friend is right, and echoes what I have said on many occasions. I work as closely as I can with the Welsh Government and I encouraged them to introduce enterprise zones, but we had six months of wasted opportunities. There is every indication that the enterprise zones might look similar to those that have been announced across the border in England. Two tranches have been announced in England and just the one in Wales, but I am delighted that the Welsh Government have finally announced enterprise zones for Welsh businesses.

Kevin Brennan (Cardiff West) (Lab): The Secretary of State is right to mention the Welsh rugby team and the way that it can highlight Wales. When the Prime Minister of the United Kingdom comes in and sits next to her later, for Prime Minister's questions, will she ask him to put the Welsh flag up over No. 10 Downing street this weekend, as he did with the cross of St George for the England football team during the World cup? *[Interruption.]*

Mr Speaker: Order. Hon. Members wish to hear the Secretary of State's reply to this probing question.

Mrs Gillan: I can heartily endorse that recommendation. Whether the powers that be will be able to fly that flag I do not know, so I cannot give him that guarantee, but it will be flying proudly above Gwydyr house.

Roger Williams (Brecon and Radnorshire) (LD): When I meet businesses in Wales, I am always impressed by the resilience they are showing during these difficult times. One issue that they always raise with me is that of business rates. What discussions has the Secretary of State had with the Assembly to build on the excellent work that local authorities are doing to reduce the burden of business rates to companies that wish to expand?

Mrs Gillan: As the hon. Gentleman knows, that is a matter for the Welsh Government, but I think the Welsh Government must carefully consider the conditions on the other side of the border in England, and ensure that inward investing companies and other companies in Wales are not disadvantaged in terms of taxation or non-tariff barriers. I encourage the hon. Gentleman to make his representations to the Welsh Government himself; I am sure that they will be interested in what he has to say.

Mr Peter Hain (Neath) (Lab): As the Secretary of State will be aware, at least two coal mines in south Wales, Aberpergwm and Unity, have been in receipt of inward investment that is growing their employment and output. May I thank both mines for voluntarily helping to resource the rescue and investigation work following the terrible tragedy at the Gleision mine in the Swansea valley that caused the death of four experienced colliers, my constituents Charles Breslin, Philip Hill, Garry Jenkins and David Powell? May I also thank the Secretary of State for her support over this tragedy, which has included ensuring that the Government have agreed to provide the 25% uplift—equivalent to the charitable gift aid that could have been claimable—to the total raised by the Swansea Valley miners appeal fund, which is now rising towards £400,000, which shows an extraordinary and heartfelt public response? May I also thank the mines rescue service, the principal inspector of mines and the South Wales police for their dedicated and at times heroic work at Gleision?

Mrs Gillan: Like the right hon. Gentleman, I pay tribute to those who so valiantly led the rescue efforts in the immediate aftermath of last month's tragedy at the Gleision mine, and I pay tribute to the right hon. Gentleman for his work in his constituency. He and I saw those efforts at first hand, and I know the impact that that event will have had on his local community. As the shadow Secretary of State says, I have agreed that the Government will contribute to the Swansea Valley miners appeal fund to cover the amount that the fund would have been able to claim back as gift aid while its application for charitable status was being processed. I am pleased to say that charitable status has now been secured, and we in the Wales Office are working with the fund organisers on the details of the Government payment.

Mr Hain: I am grateful to the Secretary of State for that. I believe that there are a number of important lessons from the Gleision tragedy for the future of mines safety and rescue. Will she therefore ensure that the Government delays the report of Professor Lofstedt, due by the end of this month, on regulations covering mining, among other sectors, so that account can be taken of a submission that I plan for her and her Cabinet colleagues?

Mrs Gillan: I understand that Professor Lofstedt is conducting an independent review of the overall regulatory framework covering health and safety legislation and its effectiveness. He issued a call for evidence in May and is now in the process of writing up his report. As this is an independent review, it would not be appropriate for my right hon. Friend the Minister with responsibility for employment or the Government to intervene in the timing of the report. However, I am sure that any lessons that can be learned from the investigation into the tragic events at the Gleision mine will be incorporated into any recommendations from Professor Lofstedt's report that are taken forward by the Health and Safety Executive. I look forward to receiving the right hon. Gentleman's submission on this subject.

Private Sector Job Creation

3. **Neil Parish** (Tiverton and Honiton) (Con): What recent discussions she has had with her ministerial colleagues and others on job creation in the private sector in Wales. [72886]

4. **Mel Stride** (Central Devon) (Con): What recent discussions she has had with her ministerial colleagues and others on job creation in the private sector in Wales. [72887]

The Secretary of State for Wales (Mrs Cheryl Gillan): I have regular discussions with ministerial colleagues and other interested parties on ways in which we can stimulate job creation in the private sector in Wales. We must create an environment in which the private sector can grow and prosper in order for businesses to create much-needed jobs in Wales, and we will continue to work with the Welsh Government to achieve that aim.

Neil Parish: I thank the Secretary of State for that answer. Will she look at the Bristol channel and the Severn, where there is the second highest rise and fall in tide in the world? A great deal of power could be produced there and a great number of jobs could be created to harness that power through tidal pools. May I ask her what we are doing about that?

Mrs Gillan: I think my hon. Friend knows that we have looked at this, and we do not intend to review the Severn tidal power situation before 2015—but it would be irresponsible to rule out such an important source of renewable energy for ever, as circumstances are likely to change down the line. As I have said before, to the shadow Secretary of State for Wales, if private funding for this project comes forward, we will consider it particularly seriously.

Mel Stride: As my right hon. Friend will know, under the previous Government there was far too much onerous employment legislation, much of which served simply as a brake on the growth of small and medium-sized enterprises both in Wales and throughout the United Kingdom. Does she therefore welcome, as I do, the fact that the Government will be doubling the period to qualify to go to an unfair dismissal tribunal, and that fees will also be charged thereafter to stop—

Mr Speaker: We are grateful to the hon. Gentleman.

Mrs Gillan: I think my hon. Friend knows that we are trying very hard to create the right conditions to encourage private sector growth, and particularly to make life easier for SMEs. He will know that we are also exempting them from audit requirements that will save SMEs in the UK up to £200 million a year. It is particularly important that we are exempting micro-businesses and start-ups from new domestic regulation until 2014. The point that he has raised is just another way in which we are trying to help private business to grow in the UK.

Jessica Morden (Newport East) (Lab): A Sheffield Hallam university report published over the summer estimated that 30,000 people in Wales could lose their incapacity benefit as a result of the Government's welfare changes, and could therefore be looking for work. How optimistic is the Secretary of State that the private sector will be able to create that level of employment?

Mrs Gillan: The hon. Lady makes a valid point. I know that the labour market statistics today have not brought good news, but I am pleased to report that there are 90,000 vacancies across the UK at the moment, including 12,638 in Wales. With the excellent job that is being carried out by Working Links and Jobcentre Plus, there are going to be many opportunities for people to find their way into work.

Nia Griffith (Llanelli) (Lab): This morning we have seen a shocking increase in unemployment, with 16,000 more people in Wales desperate to find work—a massive 13.5% increase over the past three months—as a direct result of this Government's policies. Given this huge rise in unemployment, plus the squeeze on household incomes in Wales as a result of the Government's increase in VAT, the reduction in the real purchasing power of pensions and the cruel slashing of the winter fuel allowance at a time of rocketing energy and food prices, can the Secretary of State explain how her Government's policies will stimulate consumer demand in Wales and get growth going? How on earth will they stem the spate of high street shop closures and put some sparkle back into—

Mr Speaker: I think we have got the thrust of it; we are grateful to the hon. Lady.

Mrs Gillan: May I extend a warm welcome to the hon. Lady, who is now on the Front Bench? She and I have had many conversations, and I wish her well. I am sure that she will complement the right hon. Member for Neath (Mr Hain) in her new role, and the Under-Secretary and I would like to extend our good wishes to her.

I take no joy from the figures this morning, but I do take joy from the fact that we have announced sector-based work academies. I hope that the hon. Lady will use her good offices with her party, and explain why the Labour party and the Welsh Government are cutting the enterprise budget, rather than using the money to freeze council tax in Wales, as it is being frozen in England.

Employment

5. **Albert Owen** (Ynys Môn) (Lab): What assessment she has made of the effects of the Government's economic policy on employment levels in Wales. [72888]

The Parliamentary Under-Secretary of State for Wales (Mr David Jones): Through our economic policies, we are committed to delivering strong and sustainable growth balanced across the whole UK, including Wales, rather than concentrated in London and the south-east, as it was under the previous Government. We have made it clear that our top priority remains tackling the deficit while creating the right conditions for the private sector to expand in Wales and create jobs.

Albert Owen: I welcome measures taken by the Welsh Government to stimulate the economy in Wales, but the UK Government, at a time of high unemployment, high inflation and rising borrowing, have taken money out of the economy by putting up VAT. Does the Minister agree with the Federation of Small Businesses that it is time to consider a temporary reduction in VAT to stimulate the economy, particularly in sectors such as construction and tourism, to increase employment in Wales?

Mr Jones: Those are matters that my right hon. Friend the Chancellor keeps under constant review, but I am surprised that the hon. Gentleman does not appear to regret, as I do, that the Welsh Assembly Government have decided to cut their economic development budget at this difficult time.

Alun Cairns (Vale of Glamorgan) (Con): Does the Minister accept that enterprise zones could create private sector employment in some of the most needy parts of Wales? Does he not think that the Welsh Government's approach has been somewhat disjointed at best? Some prosperous parts have become enterprise zones, but some of the most needy parts, such as Barry in my constituency, have not.

Mr Speaker: May I remind the Minister that he is not responsible for the Welsh Assembly Government, so a pithy reply would be in order?

Mr David Jones: In all pithiness, I agree with my hon. Friend the Member for Vale of Glamorgan (Alun Cairns) that enterprise zones are key to economic development, and I regret that the Welsh Assembly Government have still not clarified their intentions in that regard.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): Lloyds TSB's Wales business activity index for September reported the sharpest decrease in private sector employment for 27 months. What specific countervailing measures is the Minister arguing for with the Treasury to give the Welsh economy a competitive edge?

Mr Jones: I am sure that, like me, the hon. Gentleman will welcome today's announcement of sector-based work academies. That will apply to the whole United Kingdom, including Wales. It will give young jobseekers the tools that they need to find employment more easily.

Economic Growth

6. **Julian Smith** (Skipton and Ripon) (Con): What recent discussions she has had on promoting economic growth in Wales. [72889]

The Secretary of State for Wales (Mrs Cheryl Gillan): I have regular discussions with ministerial colleagues, the Welsh Government and other organisations on promoting economic growth in Wales. My business advisory group is meeting for the fourth time later this month. We discuss a wide range of issues affecting the Welsh economy, and that is fed into the Prime Minister's own business advisory group.

Julian Smith: I thank my right hon. Friend for that answer. Does she agree that as well as exempting small businesses in Wales and the rest of the UK from domestic regulation, the Government must continue their radical approach to reducing red tape and regulation from Brussels?

Mrs Gillan: I agree with my hon. Friend. It is extremely important in this day and age, when we are up against such huge economic barriers, that we ensure that it is easy for businesses to start up and thrive in the UK, so that the UK becomes the best place to do business.

Nick Smith (Blaenau Gwent) (Lab): Will the Secretary of State update the House on how the Wales Office is supporting economic growth in the newly announced enterprise zones, and will she meet representatives of my council, possible employers and me to talk about that? In Blaenau Gwent in the past 12 months, unemployment has gone up by a shocking 11.7%.

Mrs Gillan: I need to remind the hon. Gentleman that the enterprise zones in Wales are a devolved matter that falls to the Welsh Government. I would ask him to make his representations, as I did on his behalf and on behalf of many other Members of the House, to the Minister for Business, Enterprise, Technology and Science in Wales. Let me tell the hon. Gentleman what we are doing. We are increasing capital spending on roads and railways, creating a superfast broadband network, and cutting corporation tax and regulation. We are doing an awful lot to support businesses, and I want the Welsh Government to rise to the challenge, too. *[Interruption.]*

Mr Speaker: Order. There are far too many noisy private conversations taking place in the Chamber. I want to hear both the questions and the answers.

Feed-in Tariffs

7. **Ian Lucas** (Wrexham) (Lab): If she will assess the effects of changes to the feed-in tariff scheme on the solar industry in Wales. [72890]

The Parliamentary Under-Secretary of State for Wales (Mr David Jones): We will consult on proposed changes to the feed-in tariff scheme, and will produce an impact assessment setting out the effects across the UK in the autumn. My right hon. Friend the Secretary of State and I have spoken to a number of businesses across the UK and understand their concerns in this regard.

Ian Lucas: Labour's feed-in tariff created 300 jobs in my constituency. The Tories have increased unemployment in Wrexham in the past six months by 12.6%. Why are they reversing the successful Labour policy that is creating private sector jobs, when they are supposed to be favouring jobs and growth?

Mr Jones: I agree with the hon. Gentleman that Sharp is an extremely important employer in his constituency. He will be aware that the feed-in tariff scheme favoured large-scale solar farms, not the domestic installations, but I hope—indeed, I am sure—that he will welcome the announcement last month that Sharp has secured a multi-million-pound contract with Wrexham county borough council to install solar panels in 3,000 local authority homes.

Jenny Willott (Cardiff Central) (LD): The solar technology industry is just one of the growing green technology industries that could be vital to boosting job creation in Wales. Does the Minister agree that strong Government support for those industries will not put the country out of business, but will stimulate investment in this area and help the Welsh economy to recover?

Mr Jones: My hon. Friend is entirely right. This Government are committed to pursuing the growth of green industries in the United Kingdom. *[Interruption.]*

Mr Speaker: Order. It is still far too noisy. I know the House will be united in wanting to hear Mr Peter Bone.

Devolution

8. **Mr Peter Bone** (Wellingborough) (Con): What progress has been made on establishing a commission on devolution and funding in Wales; and if she will make a statement. [72891]

10. **Mr Elfyn Llwyd** (Dwyfor Meirionnydd) (PC): What recent representations she has received on the proposed Calman-style commission for Wales; and if she will make a statement. [72893]

The Secretary of State for Wales (Mrs Cheryl Gillan): Yesterday I announced in a written ministerial statement to the House the terms of reference and membership of the commission on devolution in Wales, the Silk commission. The commission will review the present financial and constitutional arrangements in Wales. It will look first at the financial accountability of the National Assembly for Wales and the Welsh Government and will aim to report in the autumn of next year. Following that, the commission will examine the current constitutional arrangements and will report in 2013.

Mr Bone: In Wales public expenditure is more than £9,000 per person. In my constituency it is £2,000 less. Yet again, Labour has left Wales in a mess, and Mrs Bone wants to know what the Prime Minister and the Secretary of State are going to do about it.

Mrs Gillan: Mrs Bone, I am sure, is absolutely right when she says that the economy of this country was left in a complete mess by that lot over there on the Opposition Benches—but my hon. Friend has asked a fairly complex question about the Barnett formula. The Barnett formula is not being examined by the Silk commission; it is the subject of bilateral communications involving the Treasury and the devolved Administration Governments, because it is a matter that concerns the whole of the UK. The Silk commission is focused on matters affecting Wales directly.

Mr Llwyd: I very much welcome yesterday's announcement on the commission on devolution in Wales. That was a commitment of the coalition Government in Wales. Why are the Holtham recommendations specifically not being considered by the commission? If all those recommendations are going to be dismissed there will be difficulty in ensuring cross-party support, which is very important for the commission.

Mrs Gillan: I thank the right hon. Gentleman for giving me the opportunity to correct him, because I think he has misunderstood the terms of reference, which were agreed across all four parties. I am delighted to see his party taking part in the work of the Silk commission. What the Silk commission will be looking at is the second part of the Holtham report, which I know the First Minister is not keen on because it is about taxation powers. What is excluded is merely the Barnett formula and something called the "Holtham floor", which is part of the subject of the bilateral communications. May I reassure the right hon. Gentleman that I want to move forward, if I can, on the basis of consensus? I am delighted that his party has worked with me on the commission so far.

Mr Llwyd: As the right hon. Lady says that the report will be produced in 2013, will she ensure that there will be a provisional legislative slot if the commission says that some legislative changes are necessary within this Parliament?

Mrs Gillan: The right hon. Gentleman has enough experience of legislation in this House to know that that is not something I can commit to, but let me tell him that the report will come in two parts. The first report will, we hope, come at the end of 2012, and the later report on the shape of powers between the UK Government and the Welsh Government will come towards the end of 2013. I will bear in mind what he has said.

PRIME MINISTER

The Prime Minister was asked—

Engagements

Q1. [72829] **Sir Alan Beith** (Berwick-upon-Tweed) (LD): If he will list his official engagements for Wednesday 12 October.

The Prime Minister (Mr David Cameron): I am sure that the whole House will wish to join me in paying tribute to Lance Corporal Jonathan McKinlay from 1st Battalion the Rifles and Marine David Fairbrother from Kilo Company 42 Commando Royal Marines. They were both extremely committed and courageous servicemen who have given their lives in the service of our country. Our thoughts and deepest sympathies should be with their families, friends and colleagues.

This morning I had meetings with ministerial colleagues and others. In addition to my duties in this House, I shall have further such meetings later today.

Sir Alan Beith: The whole House will want to endorse the Prime Minister's words about our heroic service personnel and their families, and I think that most of us also want to see the earliest possible withdrawal of our combat troops from Afghanistan.

What will the Prime Minister do about that group of women already in their late 50s who have seen their state pension age rise from 60 to 64 and now face a further two-year increase from 64 to 66? The coalition had to reform the pension system and will be fairer to women, but this anomaly needs addressing.

The Prime Minister: My right hon. Friend is right to identify that it is of course right to equalise men and women's state pension ages. That has been a long-term goal shared across the House of Commons. I also think that it is right to raise the retirement age to 66, as we have done. We know that a large group of people are affected by this transition and that some people will potentially have to work for an extra two years. We are looking at what transitional help we can give to this group of people and will make an announcement shortly.

Edward Miliband (Doncaster North) (Lab): I join the Prime Minister in paying tribute to Lance Corporal Jonathan McKinlay from 1st Battalion the Rifles and Marine David Fairbrother from Kilo Company 42 Commando Royal Marines. They were exceptionally courageous men who died serving their country and our deepest condolences go to their family and friends.

A year ago, during our exchanges, the Prime Minister justified his economic policy by saying that unemployment would fall this year, next year and the year after. Given that unemployment has risen by 114,000, is it not time he admitted that his plan is not working?

The Prime Minister: First of all, these are very disappointing figures that have been announced today and every job that is lost is a tragedy for the person concerned and their family. That is why this Government will do everything we possibly can to help get people into work. That is why we have the Work programme, the biggest back-to-work programme since the 1930s, which will help 2.5 million people. That is why we have welfare reform to make sure that it always pays for people to be in work. That is why we are reforming our schools, including raising the participation age to 18 so that we end the scandal of 16 and 17-year-olds left on the dole, and that is why we have a record number of apprenticeships—360,000 this year. I accept that we have to do more to get our economy moving and get jobs for our people, but we must not abandon the plan that has given us record low interest rates.

Edward Miliband: We hear the same script month after month. It is not working. Does the Prime Minister not realise that today's figures show that it is not working? It is his failure that means today in Britain we have nearly 1 million young people out of work. Why does he not accept some responsibility for doing something about it?

The Prime Minister: I accept responsibility for everything that happens in our economy, but I just sometimes wish that people who were in government for 13 years accepted some responsibility for the mess they made. This Government have pledged to do everything we can to get our economy moving. That is why we have cut petrol tax and corporation tax, why we are reforming the planning system, why we introduced the regional growth fund, why we are forcing the banks to lend money and why we have created 22 enterprise zones. I know what the right hon. Gentleman wants: he wants us to change course on reducing our deficit. If we changed course on reducing our deficit, we would end up with interest rates like those in Portugal, Spain, Italy and Greece and we would send our economy into a tailspin.

Edward Miliband: I want the Prime Minister to change course so that he has a credible plan to get people back to work in this country. What he does not seem to understand is that month after month, as unemployment goes up and the number of people claiming benefit goes up, the costs go up and fewer people are in work and paying taxes. To have a credible plan on the deficit, you need a credible plan for growth, and he does not have one. It is not just young people who are suffering. Can the Prime Minister tell us when was the last time that unemployment among women reached the levels it has today?

The Prime Minister: The right hon. Gentleman is wrong on his figures. There are 50,000 more women in work than there were at the time of the election, there are 239,000 more people in work than at the time of the election, and there are 500,000 more private sector jobs. He specifically asks about a credible growth plan. I would ask, where is his credible growth plan? Why is it that the former Chancellor of the Exchequer said this:

> "If you don't have a credible economic policy, you are simply not at the races"?

Why is it—*[Interruption.]*

Mr Speaker: Order. Whatever people think of what is being said on either side of the House, they must not shout their heads off. The Prime Minister and the Leader of the Opposition will be heard, and that is the end of it.

The Prime Minister: The fact is that our plan is supported by the CBI, by the Institute of Directors, by the business organisations, by the IMF, and by the OECD. The right hon. Gentleman cannot even get support from his own former Cabinet Ministers. The former Home Secretary says this:

> "I think the economic proposition that Labour puts at the moment is unconvincing."

If the right hon. Gentleman cannot convince his own party, how can he convince the country?

Edward Miliband: The Conservative Chair of the Prime Minister's Select Committee says that his policies on growth are "inconsistent" and "incoherent". He obviously cannot convince him, can he?

Of course, typically, the Prime Minister did not answer the question on women's unemployment, so let me tell him: women's unemployment is at its highest since 1988—the last time there was a Conservative Government in power. I have to say that instead of apologising four months late to my hon. Friend the Member for Wallasey (Ms Eagle) for saying, "Calm down, dear", he should be apologising to the women of this country for what he is doing to our economy.

Let me ask the Prime Minister another question that maybe this time he will answer. Last year, in his Budget, the Chancellor announced a flagship policy on growth. He said that the national insurance holiday for start-up firms would help 400,000 businesses. Can the Prime Minister tell the House how many businesses have actually taken part?

The Prime Minister: Seven thousand.

On the issue of women in work, of course I want to see more women in work, and there are 50,000 more women in work than at the time of the last election. It is this Government who have introduced free child care for all vulnerable two-year-olds, who have extended child care for three and four-year-olds, who have increased the child tax credit by £290, and who, for the first time, have announced that we will be giving child care to all people working fewer than 16 hours, helping hundreds of thousands of women and families out of poverty into work and into a better life. That is what we are doing.

The question the right hon. Gentleman must address is the big picture, which is this: he cannot convince the former Home Secretary, the former Trade Minister or the former Chancellor that he has got any idea of what to do with the economy. The reason is that if we adopted his plan, we would not be working with the IMF to sort out the eurozone—we would be going to the IMF to ask for a loan.

Edward Miliband: In case the Prime Minister has not realised, when the Chancellor says that 400,000 firms will benefit and only 7,000 are, that should tell him something: it should tell him that his policies are not working. That policy is not working; his plan is not working. Why does he not, just for once, agree with us: cut VAT and put more money into people's pockets, help the construction industry to get moving, and invest in getting young people back to work by having a bankers' bonus tax?

The Prime Minister: When is the Labour party going to learn that one cannot borrow one's way out of a debt crisis? It left us the biggest deficit, the most leveraged banks and the most indebted households, and what is its answer? It is to borrow more money. Is it any wonder that the former Trade and Investment Minister, Digby Jones, described the Labour leader's conference speech as

> "divisive and a kick in the teeth for the only sector that generates wealth that pays the tax and creates the jobs this country needs."?

That is what a former Labour Minister said about a Labour policy. That is why the Labour leader has no credibility whatsoever.

Edward Miliband: What a terrible answer. I will take on the companies in this country that are not doing the right thing, such as the energy companies. We are seeing change in the energy sector today because of what I said.

On the day of the worst unemployment figures in 17 years, the Prime Minister is fighting to save the job of the Defence Secretary, but doing nothing to save the jobs of hundreds of thousands of people up and down this country. There is one rule for the Cabinet and another rule for everyone else.

The Prime Minister: The previous Labour leader thought that he had saved the world; after that answer, I think that this Labour leader is Walter Mitty. The Labour party has to accept some responsibility for the mess it made of the economy. It is the party that borrowed too much, spent too much, left us with unregulated banks and left us with the mess that we have to clear up. When one sees those two sitting on the Front Bench who worked for so long in the Treasury, one has to ask, one would not bring back Fred Goodwin to sort out the banks, so why would one bring them back to sort out the economy?

Sir Peter Tapsell (Louth and Horncastle) (Con): Has my right hon. Friend noticed that since I put the point to him last month, the head of our Serious Fraud Office, Mr Richard Alderman, has publicly deplored the fact that no senior British bankers have been prosecuted for their irresponsibility, and has urged that legislation be introduced as soon as possible to empower his office to prosecute such offenders?

The Prime Minister: It is important that inquiries are conducted into what went wrong at RBS and HBOS, because we are left clearing up a mess made by the irresponsibility of others. If there is room for criminal prosecutions, of course those should happen. Our responsibility is to ensure that we regulate the banks and the financial industry properly in future. That is why we have put the Bank of England back at the heart of the job.

Q2. [72830] **Nia Griffith** (Llanelli) (Lab): Will the Prime Minister publish a full list of all the Ministers and Downing street staff who, since May 2010, have met Mr Adam Werritty in an official or social capacity, including whether he as Prime Minister has met him?

The Prime Minister: I am very happy to look at that.

Lorraine Fullbrook (South Ribble) (Con): Does the Prime Minister agree that in the light of the difficult times encountered by some of my constituents in South Ribble who work for BAE, it is even more important that this Government continue their excellent support for exports and their continued investment in the development of the Typhoon and new unmanned aerial vehicle systems?

The Prime Minister: I agree with my hon. Friend. Obviously, the position at BAE has been of concern. That is why we immediately put in place plans for an enterprise zone on each side of the Pennines to help with that important business. BAE is a great British company. It has a huge forward order book, not least because of our defence budget, through which we are investing in Typhoons, aircraft carriers and unmanned aerial drones. I will do everything I can to support that company, including promoting its exports abroad. I have had conversations with the Japanese and will soon be talking to the Saudi Arabians and others to do all that we can do to make sure that this great British company goes on being a great British success.

Q3. [72831] **Mr Andy Slaughter** (Hammersmith) (Lab): Imperial Healthcare Trust, which offers outstanding clinical care and research in three major hospitals in west London, is being forced to make 5% per annum cuts for five years, so that is 25% of its £900 million a year budget. How does that fulfil the Prime Minister's promise not to cut health services to my constituents?

The Prime Minister: We are increasing NHS spending throughout this Parliament, and, I have to say, that is a complete contrast with the Opposition's policy. They now have a new health spokesman. I was worried that I would not have the same quantity of quotes from the new health spokesman, but he has not disappointed. He said this—very clear, very plain:

> "It is irresponsible to increase NHS spending in real terms".

That is Labour's position—that it is irresponsible to increase health spending. We disagree.

Q4. [72832] **James Morris** (Halesowen and Rowley Regis) (Con): Too many children in Britain today live in families that do not provide them with the loving and stable environment that they deserve, and that has led to many of our most pressing social problems. Would the Prime Minister agree that this Government need to do all they can to help some of Britain's most problem families?

The Prime Minister: I completely agree with my hon. Friend. If we look at the evidence, we see that some of the most troubled families in our country get a huge number of interventions from the police, social services, education and the rest of it, but no one is really getting in there to help turn those families around, change what they do and give them a better chance. So we are establishing a new unit under the leadership of Louise

Casey, who I think has been a superb official over the past decade, and we are going to be putting huge resources into turning around the 120,000 most troubled families in our country. I think we can make a huge difference for those families, and we can reduce the burden that they place on the taxpayer at the same time.

Mr Denis MacShane (Rotherham) (Lab): Will the Prime Minister instruct our ambassador in Kiev to make representations on behalf of the Government and Parliament about the appalling show trial and prison sentence handed down to Yulia Tymoshenko, the former Prime Minister? Prime Ministers do make mistakes and lose elections, as she did, but she has been put on trial for policy decisions that she took. Will the Prime Minister make it clear—I am glad the Foreign Secretary is briefing him—that Ukraine will not be able to open membership talks with the EU, and that any hopes of liberalising visa access will go out of the window because of this disgraceful Stalinist show trial and sentence?

The Prime Minister: We completely agree that the treatment of Mrs Tymoshenko, whom I have met on previous occasions, is absolutely disgraceful. The Foreign Secretary has made a very strong statement about this. The Ukrainians need to know that if they leave the situation as it is, it will severely affect their relationship not only with the UK but with the European Union and NATO.

Q5. [72834] **Richard Fuller** (Bedford) (Con): Small business, not more Government debt, is key to job creation, and entrepreneurship is a noble endeavour, so will the Prime Minister join me in welcoming the support of Bedfordshire university, Cranfield university, Colworth science park, *Bedfordshire on Sunday* and 100 business leaders in my constituency for setting up an investment fund and mentoring scheme to support early-stage businesses in Bedford? Will he ask his Ministers to work with me to see whether that can be replicated in other towns across the country?

The Prime Minister: I pay tribute to my hon. Friend for what he is doing in Bedford. This Government recognise that it is going to be small businesses that will provide the growth, jobs and wealth that this country needs. That is why we have an agreement with the banks to increase lending to small businesses, why we are providing extra rate relief to small businesses, why we are giving the smallest businesses a holiday from new regulation and why we have got the one-in, one-out rule for new regulation. I applaud all efforts at a local level to give small businesses the mentoring, help and support that they need to grow.

Q6. [72835] **Andrew Miller** (Ellesmere Port and Neston) (Lab): Responding to the Science and Technology Committee's report on forensic science, a Home Office Minister has said:

> "We don't agree with the committee's report. It mis-states a number of very significant points."

Given that the Home Office's financial case was 50% adrift, and that it has now agreed with our argument that the national archive should be protected, will the Prime Minister urgently intervene and review the decision to close the Forensic Science Service? The country and the profession are now losing key scientific staff.

The Prime Minister: I will certainly look at what the hon. Gentleman says, but I looked at that decision in some detail at the time, having known well the Forensic Science Service from when I worked at the Home Office many years ago. The evidence was pretty overwhelming that the model was not working and that change was needed. That is what has happened. Sometimes it is better to make that change rather than endlessly review it.

Mr Mark Spencer (Sherwood) (Con): The Prime Minister inherited a welfare system in which families were able to claim £2,000 a week in housing benefit, and in which some working families were worse off than those who were on benefits. What can he do to help those hard-working families in Sherwood who get out of bed and work hard because of their self-pride and responsibility?

The Prime Minister: My hon. Friend speaks for millions in the country when he says that what people want is a welfare system that helps people who want to put in, work hard and do the right thing. What we are doing, first, is putting in place a cap so that we do not have those absurd amounts of money in housing benefit going to individual families—as he says, sometimes, it is £2,000 a week. Secondly, universal credit will ensure that it is always worth while people working and always worth while working a little harder. Let us see whether the Labour party, after a decade of giving people something for nothing, are prepared to back that by voting for the tough caps in the Welfare Reform Bill.

Q7. [72836] **Pat Glass** (North West Durham) (Lab): If a Minister breaks the ministerial code, should he or she keep their job?

The Prime Minister: The ministerial code is very clear that, in the end, it is for the Prime Minister to decide whether someone keeps their job or not. In the case of the Defence Secretary, when the Leader of the Opposition has called for an inquiry by the Cabinet Secretary, and when I have established such an inquiry, it is very important that we allow him to do his work to establish facts, and then a decision can be made. However, let me be clear: I think that the Defence Secretary has done an excellent job clearing up the complete mess that he was left by Labour.

Mr Alan Reid (Argyll and Bute) (LD): Retirement ages must go up, but the timetable in the Pensions Bill is too fast for many women. I was pleased to hear the Prime Minister say earlier that he was looking at transitional arrangements, and I would hope that those will result in a significant slowing down of the increase in retirement age for many women.

The Prime Minister: As I have said, we have looked at this issue very carefully and we will be making an announcement shortly. We have to look at the most difficult cases of people who will have to do quite an extra amount of working time, but clearly it is right—one must look at the big picture—to equalise men's and women's pension arrangements, and to move to 66, given the extra longevity that we enjoy as a country. Given that, I hope that the hon. Gentleman will be pleased when the announcement is made.

Q8. [72838] **Keith Vaz** (Leicester East) (Lab): Both the Prime Minister and the Leader of the Opposition are on record as supporting gender equality for future royal successions. Will the Prime Minister update the House on the consultation that he and the Deputy Prime Minister are having with other Commonwealth leaders on this issue? Does he agree that it is better that we resolve this matter before rather than after any future royal children are born?

The Prime Minister: I certainly believe that this issue should be sorted out—I am on the record as believing that, and I am sure that across the House there will be widespread support for it. In the consultation, I have written to the Heads of State and Prime Ministers of the other realms concerned, and we will have a meeting on the matter at the Commonwealth Heads of Government conference. This is not an easy issue to sort out. Many may have worries about starting a parliamentary or other legal process, but I am very clear that it is an issue that we ought to get sorted, and I would be delighted to play a part in doing that.

Esther McVey (Wirral West) (Con): Does the Prime Minister agree with the recent advice from the shadow Treasury Minister, who said that we must not and cannot pick good winners and losers? To conceive of such a simplistic "sinners and winners" model shows a distinct misunderstanding of business?

The Prime Minister: My hon. Friend makes an important point. The greatest need in our economy right now is to generate wealth, jobs and investment. What did Labour do at its conference? It just launched a big attack on British business, when that is what will help us out of these difficulties.

Q9. [72839] **Alun Michael** (Cardiff South and Penarth) (Lab/Co-op): Was the Prime Minister aware before today that his chief spokeswoman was a former colleague of Mr Adam Werritty?

The Prime Minister: As I have said, this whole issue is being looked at by the Cabinet Secretary, and he will produce his report. I would ask people to have a little patience—let the facts be established and the questions answered, and then we can move ahead.

Nick de Bois (Enfield North) (Con): Is my right hon. Friend aware that nearly 40 Government Members have signed an amendment in my name requiring that all offenders convicted of using a knife in a threatening or endangering fashion will receive a custodial sentence, not only those over 18? Will he consider supporting this amendment?

The Prime Minister: I shall certainly look closely at what my hon. Friend says. I know that the Justice Secretary is doing this too. We want to move ahead with a mandatory sentence for adults, and we shall look very closely at the arguments that my hon. Friend makes.

Q10. [72840] **Kelvin Hopkins** (Luton North) (Lab): Sir John Major said four days ago that the Government should use the euro crisis as an opportunity to loosen EU powers over Britain. His first priority was the common fisheries policy. When will the Prime Minister take Sir John's advice and tell the EU that Britain intends to withdraw from the CFP?

The Prime Minister: I always listen carefully to Sir John's advice, and he gives me some excellent advice. In the short term, Britain desperately needs to get behind the solution to the eurozone crisis, because it is having a chilling effect on the whole of the European economy, and the American economy as well. That is the first priority. I accept, however, that at the same time as doing that it will be important to get some safeguards for Britain. As eurozone countries go ahead and sort out their problems, we need safeguards to ensure that the single market goes on working for the United Kingdom.

Simon Hart (Carmarthen West and South Pembrokeshire) (Con): Last weekend, B&Q opened a new store in Pembroke Dock creating 25 jobs and Ledwood engineering advertised 25 new jobs in the town. Jobcentre Plus in Pembroke Dock has 249 jobs on offer. Does the Prime Minister agree that there would be further good news if the banks honoured their pledge to commit to credit flow, and will he keep the pressure on and encourage businesses in Wales to advertise even more jobs?

The Prime Minister: We shall certainly keep the pressure on the banks. It is worth making the point that in spite of the difficulties, there are 500,000 new private sector jobs in our economy compared with the time of the election. However, we need to have in place all the things that help businesses to expand and grow. Bank finance is just one of those things. We have the Merlin agreement, which is increasing lending to small businesses, and we also have what the Chancellor has said about credit easing to ensure that we consider other ways of expanding credit in our economy.

Q11. [72841] **Jonathan Ashworth** (Leicester South) (Lab): This week, I had the privilege of meeting Hafsah Ali and Joseph Hayat from the Ready for Work campaign. They are impressive young people campaigning against rising youth unemployment. Will the Prime Minister tell us what has happened to his vow earlier this year to reverse the trend of rising youth unemployment? Will he also tell the House when he last met a young unemployed person?

The Prime Minister: Youth unemployment has been rising since 2004—it went up during the growth years as well as in the difficult years. We need a comprehensive strategy that deals with all the problems of youth unemployment, including the fact that there are too many people leaving school aged 16 who spent 13 years under a Labour Education Secretary—so the Labour party needs to take some responsibility—and who left school without qualifications to help them get a job. This is about ensuring that we have better education, a welfare system that helps people into work and a Work programme that provides not phoney jobs, as the future jobs fund did, but real work for real young people.

Henry Smith (Crawley) (Con): A recent TaxPayers Alliance report revealed—[HON. MEMBERS: "Ahh!"]—that 38 union leaders were remunerated at more than £100,000 each, including Derek Simpson of Unite, who received more than £500,000. Does the Prime Minister agree that it is time for union boss pay restraint?

The Prime Minister: It is interesting that Labour Members always listen to the trade unions, but never to the TaxPayers Alliance. One reason is that they do not want to hear about excessive pay in the public sector, local government or among their paymasters, the trade unions.

Steve Rotheram (Liverpool, Walton) (Lab): Here is another question that the Prime Minister will not want to answer. Will he get a grip of his Back Benchers following last night's debacle in the Chamber relating to the business of the House on 17 October? Does he understand that the perception out there in the real world is that some MPs would rather talk about their own pensions than discuss a 22-year-old injustice and the deaths of 96 men, women and children?

The Prime Minister: Let me answer the hon. Gentleman directly. We are going to protect the time for that absolutely vital debate. On the issue of MPs' pensions, it is very clear that we have to show restraint at a time when the rest of the public sector is being asked to show restraint. So because of what happened last night, there will have to be a debate, but it will not eat into the time for the very important debate that he mentioned and which I know many Members care deeply about.

Christopher Pincher (Tamworth) (Con): What action is my right hon. Friend taking to reintroduce rigour into the education system and end the ridiculous situation under the previous Government of 22% of students doing proper academic studies?

The Prime Minister: The Education Secretary is doing a superb job of focusing schools on results, including in English and maths, ensuring that we look at the English baccalaureate, which includes the core subjects that employers and colleges really value, and doing some simple and straightforward things that were not done for 13 years, such as ensuring that punctuation and grammar actually count when someone does an exam.

Ms Margaret Ritchie (South Down) (SDLP): The Prime Minister met the Finucane family yesterday, so will he now reflect on the comments made by an Taoiseach in relation to that meeting and the outcomes, and the agreement made by both Governments at the Weston Park talks in 2001 that there should be an independent public inquiry?

The Prime Minister: Of course I have reflected incredibly carefully on what was said yesterday, and I have reflected on this whole issue for many months since becoming Prime Minister. I profoundly believe that the right thing for the Finucane family, for Northern Ireland and for everyone in the United Kingdom is not to have another costly and open-ended public inquiry, which may not find the answer, but instead for the British Government to do the really important thing, which is to open up and tell the truth about what happened 22 years ago. We do not need an inquiry to do that; that is why my right hon. Friend the Secretary of State for Northern Ireland will be making a statement explaining exactly how we are going to do it and who will be involved. In the end, the greatest healer is the truth. Frank acknowledgement of what went wrong, an apology for what happened—that is what is required. Let us not have another Saville process to get there; let us get there more quickly and do the right thing.

Mr Lee Scott (Ilford North) (Con): Will my right hon. Friend join me in welcoming the news that it seems that Gilad Shalit will be released in the next few days, which could well go a long way towards peace in the area?

The Prime Minister: I am very grateful to my hon. Friend for raising this case. What that young soldier has been through for those weeks, months and years is something that anyone in this House would find difficult to contemplate. If it is the case that he will be coming home soon, I wish him, his family and everyone in Israel well.

Mr Speaker: Order. The following statement is on an extremely important matter. May I appeal to right hon. and hon. Members who are leaving the Chamber to do so quickly and quietly, so that I and those remaining can hear the Secretary of State for Northern Ireland?

Pat Finucane

12.32 pm

The Secretary of State for Northern Ireland (Mr Owen Paterson): With permission, I would like to make a statement. Following my statement to the House last November in relation to the murder of Mr Patrick Finucane, I have considered this case very carefully. I want to set out today how the Government intend to proceed.

The murder of Mr Finucane, a Belfast solicitor, in front of his family on 12 February 1989 was a terrible crime. There have been long-standing allegations of security force collusion in his murder. The former Metropolitan Police Commissioner Lord Stevens was asked to investigate the murder in 1999. He published his overview report in 2003, concluding that there was "collusion", that the murder "could have been prevented" and that the original investigation of the murder

> "should have resulted in the early arrest and detection of his killers."

When he was asked by the previous Government to consider the question of a public inquiry, Judge Cory found in 2004

> "strong evidence that collusive acts were committed by the Army...the RUC...and the Security Service."

My right hon. Friend the Prime Minister invited the family to Downing street yesterday so that he could apologise to them in person and on behalf of the Government for state collusion in the murder of Patrick Finucane.

The Government accept the clear conclusions of Lord Stevens and Judge Cory that there was collusion. I want to reiterate the Government's apology in the House today. The Government are deeply sorry for what happened. Despite the clear conclusions of previous investigations and reports, there is still only limited information in the public domain. That is why my right hon. Friend the Prime Minister and I have committed to establishing a further process to ensure that the truth is revealed. Accepting collusion is not sufficient in itself. The public now need to know the extent and nature of that collusion. I have, therefore, asked the distinguished former United Nations war crimes prosecutor Sir Desmond de Silva QC to conduct an independent review to produce a full public account of any state involvement in the murder.

Sir Desmond is an internationally respected QC who will carry out his work completely independently of Government. He has worked for the United Nations on major international issues in Serbia and Sierra Leone. In 2005, Kofi Annan appointed him to be chief prosecutor for the Special Court for Sierra Leone. In 2010, he was appointed by the United Nations Human Rights Council to the independent fact-finding mission to investigate the Israeli interception of a Gaza aid flotilla. His track record in carrying out this work speaks for itself.

Sir Desmond's terms of reference are to draw

> "from the extensive investigations that have already taken place, to produce a full public account of any involvement by the Army, the Royal Ulster Constabulary, the Security Service or other UK Government body in the murder of Patrick Finucane. The review will have full access to the Stevens archive and all Government papers, including any Ministry of Defence, Security Service, Home Office, Cabinet Office or Northern Ireland Office files that"

Sir Desmond believes

> "are relevant."

The account will be provided to me

> "by December 2012, for the purpose of its publication."

I have agreed the terms of reference with Sir Desmond, and I would stress that he is being given unrestricted access to these documents. He will be free to meet any individuals who can assist him in his task. It is, of course, open to him to invite or consider submissions as he sees fit.

The review will have the full support and co-operation of all Government Departments and agencies in carrying out its work. I have spoken to the Chief Constable, who has given his assurance that Sir Desmond will have the full co-operation of the Police Service of Northern Ireland. This Government have demonstrated in the Bloody Sunday, Billy Wright and Rosemary Nelson cases that we will publish independent reports without delay. The same checking and publication arrangements will be put in place.

This has been an exceptionally long-running issue. The previous Government sought to resolve the issue after the 2004 commitment to hold an inquiry but were unable to reach an agreed way forward with the family. I am disappointed that the family did not feel able to support the process that my right hon. Friend the Prime Minister and I outlined to them yesterday. I fully recognise that the family have pursued their long campaign to find out the truth with great determination. We do not need a statutory inquiry to tell us that there was collusion. We accept that, and my apology in the House today reflects this. The task now is to uncover the details of this murder. The public should not be kept waiting for many more years for the truth to be revealed.

The Government have taken a bold step by asking an internationally respected figure to produce a full public account. Details in papers and statements that have been kept secret for decades will finally be exposed. The House will be aware of the extensive investigations that have already taken place in this case. I am clear that we do not need to repeat all the work that Lord Stevens has already carried out for the truth to be revealed. The investigations into the murder of Patrick Finucane have produced a huge amount of material. One man, Kenneth Barrett, was prosecuted and convicted of the murder in 2004. Taken together, the Stevens investigations took 9,256 witness statements. The Stevens documentary archive extends to more than 1 million pages; 16,194 exhibits were seized. This was one of the largest police investigations in UK history.

Lord Stevens carried out a police investigation to bring forward evidence for prosecutions. A 19-page summary report was produced in 2003, but the Stevens investigation was not designed to provide a public account of what happened. That is why Sir Desmond de Silva will now have full access to the Stevens files and all Government papers to ensure that the full facts are finally set out. The House will not want to pre-empt the details of Sir Desmond's report. When the report is published, the Government will not hide from the truth, however difficult.

I strongly believe that this will be the quickest and most effective way of getting to the truth. Experience has shown that public inquiries into the events of the troubles take many years and can be subject to prolonged

[Mr Owen Paterson]

litigation, which delays the truth emerging. As my right hon. Friend the Prime Minister and I have made clear for some time, we do not believe that more costly and open-ended inquiries are the right way to deal with Northern Ireland's past.

I am acutely conscious that the conflict in Northern Ireland saw over 3,500 people from all parts of the community killed and tens of thousands more injured. We should never forget the many terrible atrocities that took place. More than 1,000 of those killed were members of the security forces. I want to be clear that the overwhelming majority of those who served in the security forces in Northern Ireland did so with outstanding courage, professionalism and even-handedness in upholding democracy and the rule of law. The whole House will agree that we owe them an enormous debt of gratitude.

The murder of Patrick Finucane has been one of the longest-running and most contentious issues in Northern Ireland's recent history. The appointment of an internationally respected and wholly independent figure to produce a full public account demonstrates the Government's determination that the truth about this murder should be finally revealed. The House will recognise the spirit of openness and frankness with which we are dealing with this difficult issue. I would encourage everyone to judge the process we have established by its results. I commend this statement to the House.

Vernon Coaker (Gedling) (Lab): May I first thank the Secretary of State for early sight of his statement and for the welcome that he has on many occasions extended to me in my new post? I greatly appreciate it, as I do the welcome I have received from many others, too. I am delighted to have been appointed the shadow Secretary of State for Northern Ireland and I look forward to working in a bipartisan way with the Secretary of State whenever possible, as well as to working closely with the Northern Ireland Executive, and all their parties and representatives. I will, however, hold the Government to account and challenge them, where necessary.

Every community in Northern Ireland has suffered outrages, atrocities and murders, but today we are reflecting on the murder of Pat Finucane. His wife was wounded in the attack and his three children witnessed what no child ever should—the murder of their father.

Thirteen months ago, my right hon. Friend the Member for St Helens South and Whiston (Mr Woodward), to whom I pay tribute today for all the work he did in Northern Ireland, asked the Secretary of State to honour the commitments of a previous Prime Minister and previous Secretaries of State to hold an inquiry into the murder of Pat Finucane. That commitment was made as a result of an agreement between the British and Irish Governments at Weston Park in 2001. If peace and reconciliation are to be taken forward, we need to respect such agreements. The progress that has been made in Northern Ireland is built on trust. As we have heard from Judge Cory's report, public inquiries have been held into the cases of Robert Hamill, Rosemary Nelson and Billy Wright, but not into that of Pat Finucane.

It was a source of great regret to us, as the last Government, that we were not able to agree terms of reference with the Finucane family for an inquiry to take place under the Inquiries Act 2005, but today the Secretary of State has told us of his decision that there will no inquiry at all. Instead the Government have announced an inadequate review, although the whole country will welcome the apology. We are disappointed by that decision, and think that the Secretary of State should honour commitments that have been made.

The incredible scenes yesterday of the Finucane family at Downing street expressing their feelings of anger and outrage at having been completely let down by the Government show that this is no way in which to deal with such a difficult and sensitive issue. Will the Secretary of State tell us why he allowed the Finucane family to believe for so long that an inquiry would be offered to them? What discussions did he have with them before informing them of his decision? What advice did he give the Prime Minister that led the Prime Minister to invite the family to Downing street? They clearly believed that they would be offered something that would be acceptable to them; otherwise, why raise false hopes? What discussions had the Secretary of State had with his counterpart in the Irish Government before he made his decision?

Why, on the day on which the Irish Government extended by six months the Smithwick inquiry into the murders of Chief Superintendent Breen and Superintendent Buchanan regarding alleged Garda collusion, did the Secretary of State choose to deny an inquiry to the Finucane family? Does he accept that, while any form of inquiry takes time and carries a financial cost, it is possible for such inquiries to be both reasonable and not, in themselves, a barrier to the pursuit of justice? As for the proposed review of the Finucane papers, will he tell us how representations—including any from the family—can be made, what the expected cost of such a review will be, where the hearings will be held, whether any will be held in secret, and whether witnesses will be called?

Everything that has been achieved in Northern Ireland since the mid-1990s has been achieved with consensus. The Belfast, St Andrews and Hillsborough Castle agreements were all achieved by means of consensus. The Northern Ireland Executive operate by consensus. There are many horrors from the past, many atrocities, many outrages on the part of both loyalist and republican terrorists, but there is an opportunity for Northern Ireland to escape the grip of the past by confronting the truth about past events. Will the Secretary of State therefore tell us what the Government's policy is for dealing with the past? Having denied a public inquiry into the death of Pat Finucane, will he tell us what additional resources he will provide for the Historical Enquiries Team?

The people of Northern Ireland have made real progress, but we must never take such progress for granted. It has taken real effort, commitment and trust. I agree with the Prime Minister: let us do the right thing. May I ask the Secretary of State to think again about an inquiry into the murder of Pat Finucane because it is the right thing to do? Seeking the truth and honouring agreements means that the cause of justice is served, and with it the cause of a better future for Northern Ireland.

Mr Paterson: Let me begin by congratulating the hon. Member for Gedling (Vernon Coaker) on his appointment to a difficult and important position. I warmly welcome his view that we should approach

Northern Ireland issues in a bipartisan manner. He is sitting next to the right hon. Member for Neath (Mr Hain). The right hon. Gentleman, the right hon. Member for Torfaen (Paul Murphy) and the right hon. Member for St Helens South and Whiston (Mr Woodward)—who are also present—all played a distinguished part in bringing Northern Ireland to where it is now, continuing work which, in fairness, began under Sir John Major, whose role is often forgotten. I very much hope that we shall continue to work closely with one another. We met privately on Monday, and we have talked today. My door is always open, and I hope that we shall discuss these matters together.

The hon. Gentleman asked about the chronology. I wrote to the Finucane family within weeks—on 28 June last year—asking to meet them. I met Mrs Finucane in November last year, and I think I was the first Secretary of State to meet her since the right hon. Member for Neath met her in 2006. I said then that we had inherited an impasse. We entirely respected the position of the Labour Government, who had committed themselves to a public inquiry, but the right hon. Member for Torfaen had introduced the Inquiries Act 2005, and there appeared to be a jam. We wanted to unlock that jam, and we went into the process in a genuinely open-minded way.

On 11 November last year I issued a written ministerial statement, which the hon. Gentleman will have read, setting out various criteria against which we would make a judgment and inviting representations. It was a very open process, and we took representations. We were still in discussion with the family at the end of the two months, and we extended the period for a further two months. Until yesterday, I last saw Mrs Finucane in Washington on St Patrick's day. I gave her an assurance that we wanted to come to a conclusion and resolve the impasse, but we could not do so during the Assembly election period. I promised that that would happen soon after.

It has taken longer, however. This has not been an easy issue to resolve, but what we have done is incredibly bold. We believe that by inviting the family to Downing street so that the Prime Minister can make an apology in person, we have moved the whole argument on.

The original justification for a public inquiry was, bluntly, to put the British Government on the spot and to prove that collusion had happened. We have accepted Stevens and Cory, and by making this bold apology—the Prime Minister made it in a full and frank manner, and I have repeated it today on the Floor of the House—we believe we have created an opportunity to move the argument on.

The question now is how do we get to the truth. That was clearly stated towards the end of today's Prime Minister's questions. As we have made clear in the build-up to this statement, we firmly believe that costly open-ended inquiries are not necessarily the best way to get to the truth. Speed is also an issue. Past inquiries have taken a long time. The hon. Member for Gedling mentioned Smithwick. That offers a classic example of the trouble we can get into with an inquiry. It had to be extended. The new Government tried to get an interim report in June and to limit the process to November, but it looks as though they will have to extend that.

What we have done is radical and bold. We have made a full apology, and we now have an opportunity to put in place a new process. There are 1 million documents and there will be more than 9,000 witness statements. That is where the truth lies, and we want to get the truth out. I hope that, on reflection, the hon. Gentleman will come round to agreeing that our approach is novel, bold and brave. It will cost approximately £1.5 million. The main offices will be in London, but obviously that is up to Sir Desmond, and he will certainly be visiting Belfast.

I met Sir Desmond this morning. I have appointed him, and his letter of appointment will be in the Library. He is very keen to get going and to meet the family. How he relates to the family and others is entirely up to him. He can invite people to attend. He does not have the power to demand that witnesses attend, but he will have powers—real powers, I hope—to get access to a huge archive of data. That is where the truth lies—we know the truth is in there—and we now all have an interest in getting to the truth.

The hon. Gentleman also asked about the past. As he knows, that is, sadly, a fraught issue. The Minister of State and I have been holding talks since we came into office last June; we have talked to all the political parties and to numerous interest groups. I know about the debate in the Assembly this week. Sadly, as the hon. Gentleman will find out when he goes there on Thursday, there is no consensus on the past. He mentioned the Historical Enquiries Team, which is looking into 3,268 deaths. We are very supportive of it and have always supported it, and we know that it is giving extraordinarily high levels of satisfaction to the families who have so far received reports, but oversight of it is a devolved responsibility, so the hon. Gentleman should discuss funding issues with the Northern Ireland Justice Minister, David Ford.

The Government in Westminster do not own the past. The solution to the past lies very much in the hands of local politicians. We will help to facilitate things, however. I will continue our talks and I will make further statements on our approach soon.

Mr Laurence Robertson (Tewkesbury) (Con): I thank the Secretary of State for providing me with early sight of the statement, and I agree with him that accepting that there was collusion is not in itself enough, and that we need to get to the truth of who did what. If that is established, will he confirm that any necessary prosecutions will go ahead? Although it is totally right that we praise the quality of the people who served in the security forces in the past and the outstanding way in which they carry out their work now, we must find out the truth in order to protect the image of those people, who deservedly have a high reputation.

I do not believe that it was necessary to spend so much money on past inquiries. It was the Prime Minister's response to the Saville inquiry that satisfied people in Northern Ireland. Since then, we have had inquiries that were, perhaps, expensive and that did not reach the truth. I therefore support the Secretary of State's decision and agree that what is important is not how we get to the truth, but actually getting to the truth.

Mr Paterson: I am grateful to the Select Committee Chairman for his support for what we propose to do. Decisions on prosecutions are entirely in the hands of the local Director of Public Prosecutions, so if this review reveals information that justifies the DPP taking

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action, that is entirely down to him. As I am sure the Chairman knows, on seeing the Stevens papers the previous DPP found that not enough cases met the threshold requirements. I entirely endorse the Chairman's comments on getting to the truth so that we can honour the vast majority of those who worked in the security forces, bravely defending law and order and democracy. That is exactly what we want to do. There is no offence of collusion, so we need to get to the detail, and I am confident Sir Desmond will do so.

Ms Margaret Ritchie (South Down) (SDLP): I thank the Secretary of State for his statement. He said: "The public now need to know the extent and nature of that collusion" and the "task now is to uncover the details of this murder." How can that possibly be achieved when Sir Desmond cannot compel witnesses to give evidence to his inquiry—which is not really an inquiry? That has created grave disappointment in Northern Ireland. I ask the Secretary of State to review yesterday's decision and to establish an independent public inquiry that will empower witnesses to give evidence about the true nature and extent of collusion.

Mr Paterson: I am grateful to the hon. Lady for her question. However, the simple answer to it is no; we are cracking on. We think we have found a solution to the conundrum that was not resolved by the last Government. They had the clear policy of holding a public inquiry, but that was not acceptable under the 2005 Act. We think that through our bold measure of a public and personal apology to the family and going ahead with a review of this huge archive—1 million pages, 9,000-plus witness statements, 16,000 exhibits—we will get to the truth. We strongly believe that this is the right course of action, and that we can then move on from this impasse, which we must do because the situation has been festering.

Stephen Lloyd (Eastbourne) (LD): I welcome the Secretary of State's announcement and share his view that the independent review should be conducted by such an honourable, experienced and reputable figure as Sir Desmond de Silva; I believe this is the right way forward. I also appreciate the Secretary of State's commitment that all arms of the Government will offer unrestricted access to Sir Desmond. The murder of Patrick Finucane was a desperate and despicable act and I applaud the Government's determination to get to the truth. Finally, may I ask the Secretary of State to keep the House informed of the progress of Sir Desmond's investigation?

Mr Paterson: I welcome the hon. Gentleman's comments. Sir Desmond is an independent figure, and it is not for us to interfere in any way in how he conducts the review and the manner in which he proceeds. We have to get the message across that he is an independent figure, and a man of extraordinary integrity and international standing. He is not going to take any advice or accept any interference from the Government. That is not his role. We have appointed him, he is independent, and it is up to him to report back to us in December 2012.

Mr Shaun Woodward (St Helens South and Whiston) (Lab): I have no doubt that the Secretary of State means well, but I think he is wrong. The inquiry was set up by Tony Blair as part of the peace process, and in breaking the promise that we gave, we are damaging the very foundations of that process. The independent inquiry was fair to everyone; it was fair to the family and the soldiers.

Let me set out my fear. The Secretary of State has said today that he has reached a verdict: there was state collusion. No account has been given of the process by which that verdict has now been reached, however, and we do not know collusion by whom or collusion about what. In this process, we must be fair to the armed forces: we must be fair to those soldiers and members of the police who may need legal representation now. What are they meant to do? Will the Secretary of State guarantee that any men and women who may face prosecution in the future because of his verdict today will be able to have a fair trial?

Mr Paterson: I am sorry that the right hon. Gentleman has not supported what we have done. I pay tribute to his work as Secretary of State. He managed to pull off the great coup of seeing the final plank of devolution put in place. Getting the devolution of policing and justice was not an easy task. We worked together, supporting him strongly at the time, and it was a considerable achievement. The House should recognise that and be grateful.

Obviously, given the right hon. Gentleman's knowledge, I am disappointed by his comments. I do not wish to make a tiresome point, but I did write to Mrs Finucane and met her—he did not. He had three years to resolve this and did not do so. We talked about it privately and we both know how extraordinarily difficult the conundrum was. He stuck to the line, which we have heard again from his successor—it is totally understandable and coherent—that a public inquiry was offered, under the Inquiries Act 2005. We inherited a logjam; I really felt that this issue was festering. People must get hold of the boldness of what we have done. The Prime Minister has invited the family in to apologise in person. We are going to have a really thorough review. Sir Desmond is not a patsy; he is a man of extraordinary integrity and international repute. I fear that the report may be very difficult for us, but we will come to the House, as we did with Saville, with Nelson and with Wright, and make appropriate comments.

The right hon. Gentleman mentions individuals. Stevens, after probably the longest criminal investigation in British history, said clearly in his report:

> "I have uncovered enough evidence to lead me to believe that"—

the murder—

> of Patrick Finucane…could have been prevented."

He continued:

> "I conclude there was collusion in"—

the murder—

> "and the circumstances surrounding"

it. The problem is that there is no offence of collusion, which is why we have appointed Sir Desmond. As I said in answer to a previous question, should evidence come forward that, in the opinion of the DPP, goes over the threshold, the legal process will take its course.

Sir Peter Bottomley (Worthing West) (Con): This widespread though not unanimous support for the statement by the Secretary of State and the Prime Minister has been seen before when other Prime Ministers and Secretaries of State have taken initiatives to break logjams. I put it to the Secretary of State that getting to the truth is an important part of coming to terms with history. May I end by saying that we should respect and support lawyers, journalists and families who stand by those who are victims or potential victims, those who are accused and even those who have been convicted, because representing the unpopular and the marginal is an important part of an open and democratic society?

Mr Paterson: I welcome my hon. Friend's comments. He served as a Northern Ireland Minister and is aware of the sensitivities of issues in Northern Ireland. He is absolutely right to say that lawyers and politicians who stand up for unpopular, controversial views have every right to speak and every right to life. That is why this murder is shocking, and it is why we want to get to the truth and find out what happened.

Mr Nigel Dodds (Belfast North) (DUP): I begin by welcoming the hon. Member for Gedling (Vernon Coaker) to his post as shadow Secretary of State, and I look forward to working with him. He has good experience of Northern Ireland and I am sure that we will have useful exchanges in the weeks and months ahead.

I welcome what the Secretary of State has said today in the House. The murder of Pat Finucane in my constituency was an atrocious, terrible, despicable crime. Every person involved, either in carrying out that murder or complicit in it, deserves to be brought to justice—let there be no mistake and equivalence on this issue. Does the Secretary of State accept that across Northern Ireland reasonable people on all sides agree that the idea of more costly, open-ended inquiries into such crimes is simply not reasonable, not least on the grounds of expense, but also because it has been proved that they do not bring closure and elevate certain crimes above others? He has already referred to the fact that more than 3,000 people have been murdered, 1,000 of them in the security forces. We owe it to all the victims to ensure that all murders are investigated, that their relatives are equally cherished and that there is justice for everyone. In going forward, an absolute assurance must be given for those who have died that the interests of terrorists and those who carried out terrorism are not elevated to the same status as those who protected communities and who were totally innocent.

Mr Paterson: I am grateful to the right hon. Gentleman for his comments and for welcoming our proposals, and I admired his wholehearted denunciation of this terrible crime. I agree with him; I think that the approach of the Historical Enquiries Team is correct. It is treating every one of these appalling deaths—3,268 deaths is a dreadful number—in an equal manner. In some cases, its attempts meet with great difficulty, as there is limited evidence—limited forensics, no DNA and so on. I admire the consistent record of satisfaction that the HET has given to the families who have received reports so far.

Tony Baldry (Banbury) (Con): I commend my right hon. Friend's selection of Sir Desmond de Silva for the task. Sir Desmond is an outstanding international lawyer. He prosecuted war crimes in Sierra Leone in very difficult circumstances, and it is worth the House recalling that he managed to indict Charles Taylor for war crimes, establishing for the first time under international law that Heads of State did not have immunity from prosecution for war crimes. Sir Desmond is a fearless lawyer. May I ask my right hon. Friend for some clarification? Will Sir Desmond be treated by the machinery of government, and by everyone involved, with the courtesy that would be extended to a High Court judge? What exactly are his powers?

Mr Paterson: I am grateful to my hon. Friend for his welcome of Sir Desmond's appointment and I wholly endorse the description of him as fearless. The House perhaps does not know that as a young barrister, aged 28, Sir Desmond represented 16 individuals facing death at the gallows, and that he saw off several assassination attempts and the 16 people were acquitted. He is someone of real international integrity and repute. I did say that I would place his letter of appointment in the Library, and it is for a distinguished lawyer such as my hon. Friend to decide whether the powers are similar to those of judges or other lawyers. The Government have said that we will make available all the papers that Sir Desmond wishes to see, and I do not think that I can make a more open or clear statement than that.

Paul Murphy (Torfaen) (Lab): In 2004, I announced the inquiries into the deaths of Nelson, Billy Wright and Hamill, and in September of that year I also announced an inquiry into the Pat Finucane case. It seems to me that we were under an obligation to do that because of agreements that had been held, and anything that falls short of that obviously will not get the support of the Finucane family. They did not support the idea of an inquiry under the 2005 legislation, but they certainly will not support this so-called "inquiry". However distinguished the lawyer, it simply is not going to work. I urge the Secretary of State to think again.

Mr Paterson: I am grateful to the right hon. Gentleman for his question. I pay tribute, again, to his distinguished work in Northern Ireland, but I would remind him of the position that I just described to one of his successors, the right hon. Member for St Helens South and Whiston (Mr Woodward). We were facing an impasse. We fully respected what he had done and the reasons for introducing the 2005 Act, following the Saville inquiry, which was getting out of control—everyone understood that. We understood the commitment he made at Weston Park, but this was going nowhere. It is no good having a Mexican stand-off, with things going nowhere, because we want to move Northern Ireland on. This is an extraordinarily fraught and difficult case. I think that we have been very bold and courageous in making this apology—a full, frank apology to the family, given face to face with the Prime Minister of the United Kingdom in Downing street—and then working with the family to establish the truth.

Kris Hopkins (Keighley) (Con): I welcome the Secretary of State's statement and the leadership offered by the Prime Minister, as well as his bold apology. I think it is absolutely right that we do that. I offer my sympathies to the Finucane family, as I do to the 3,500 other families out there who lost loved ones in a tragic period of the history of these islands. The truth is important, but I have a school in Ilkley that needs to be rebuilt, and after the obscene amount of money that has been spent on previous inquiries, I say to the Secretary of State that I would rather see taxpayers' money spent there than on filling the pockets of lawyers in Belfast. Does he agree with me?

Mr Paterson: I thank my hon. Friend for his question and pay tribute to him as someone who served in the armed forces in Northern Ireland at a very difficult time, trying to maintain the peace and to preserve law and order and democracy. He and I, as Conservatives, were elected on a platform of no more costly and open-ended inquiries and we are quite clear about that. I am more concerned, however, about the effectiveness of the inquiries. My worry, having met Mrs Finucane, is the time they take and the complication that they cause. I believe that our solution will get to the truth quicker than a public inquiry would have done.

Mark Durkan (Foyle) (SDLP): We all feel for Geraldine Finucane and her family today after what they found to be a pretty insulting and insensitive experience yesterday with the let-down in Downing street. We also feel for all the victims of the troubles, many of whom still deserve truth and not just from the state. Will the Secretary of State explain how the Finucane family clearly had a different understanding or impression of what was going to be offered yesterday? Will he also explain whether the Irish Government were fully briefed as the full partners of the Weston Park commitments on what was afoot and what was to unfold? Will the Secretary of State stop patronising the family and this House by talking about a bold move to resolve an impasse, because all he has done is bypass the case for an inquiry by setting up a twilight-zone review that will not be able to compel witnesses?

Mr Paterson: I resent that statement. I wrote to Mrs Finucane on 28 June, three weeks after we came to power, inviting her in. Unlike my predecessor, I had a meeting with her and her son and we set out very clearly in a written statement, which the hon. Gentleman saw on 11 November 2010, the criteria against which we could make a decision. It is most unfortunate—and we were genuinely very disappointed yesterday at the reaction, because we have looked at all sorts of options and we have been working on this. We made it clear—*[Interruption.]* We made it clear in our statement to the House that there was a range of criteria against which we would make a decision, bearing in mind the commitments and the position of the family. We talked about delays, we mentioned the political developments that have happened since in Northern Ireland. A whole range of criteria were very clearly laid out in a transparent manner in a written ministerial statement and at no stage did we give them any misleading information about where our decision was going. There has been nothing said in public.

I am in regular contact with the Irish Government. I was in Dublin last week, where I saw the Tanaiste, and the Prime Minister spoke to the Taoiseach yesterday. I spoke to the Tanaiste twice, I spoke to the Minister for Justice and Equality and I am in regular contact with the Irish ambassador. We are in regular contact and they knew that we were getting nearer a solution, but it is an incredibly sensitive subject and we made it quite clear to everyone that we had to talk to the family first.

Gavin Williamson (South Staffordshire) (Con): I welcome my right hon. Friend's statement. Will he confirm that all the material and all the conclusions of Sir Desmond's report will be made fully available to this House and the public regardless of how embarrassing that might be to Her Majesty's Government?

Mr Paterson: I am grateful to my hon. Friend for that question. We are absolutely clear. We have been quite open about previous reports—Saville, Nelson, Billy Wright. They were uncomfortable, difficult reports but we came straight to the House of Commons as soon as we could and made a statement. We intend to do that, whatever Sir Desmond uncovers.

Paul Goggins (Wythenshawe and Sale East) (Lab): As others have said, the path to peace in Northern Ireland has been based on a willingness to negotiate and to honour agreements. I regret, as others do, the fact that the Finucane family would not accept a public inquiry under the Inquiries Act, but does the Secretary of State not accept—I say this not to score points, but as a genuine supporter of the peace process in Northern Ireland—that there is a real risk that public confidence in the Government's good faith will have been undermined by this decision and that cracking on, as he put it, is not always the best way in Northern Ireland? What I learned there was that it is never too late, and I urge him again to reconsider.

Mr Paterson: I thank the right hon. Gentleman for that question and give credit to him for the work he did in his years as Minister with responsibility for security in Northern Ireland. We remain in touch—we even saw each other at the Conservative party conference last week, which he might be embarrassed to have on the record—and I am sorry that he does not agree. We had a problem. It was no good saying that we had inherited the Labour position of offering an inquiry under the Inquiries Act, which the family would not accept. We had to do something. We had to look at a way of resolving the issue, as we want to move on. I made it very clear to Mrs Finucane when I met her that we wanted to find a solution. Our solution was not to carry on with the impasse but to be imaginative. As I have said, I think our solution is bold and brave. I have great confidence that Sir Desmond will get to the truth and that we will come back here in December 2012 with a very robust report that will help move Northern Ireland on. It is not satisfactory that we do not know what happened in this case.

Several hon. Members *rose—*

Mr Speaker: Order. These are matters of the utmost seriousness and I very much appreciate the Secretary of State's attempt to engage with each questioner, but may I gently point out that progress has been, to put it mildly, leisurely to date and if I am to accommodate all colleagues, which I wish to do, there is therefore a premium on brevity from Back and Front Benchers alike from now on. We will be led in this exercise by Mr Mel Stride.

Mel Stride (Central Devon) (Con): Thank you, Mr Speaker. I shall indeed be brief. I welcome my right hon. Friend's statement, not least his reiteration of the apology to the Finucane family for collusion. Will he confirm that although we will not be seeking uncosted and open inquiries in the future, sufficient resources, as deemed by Sir Desmond, will be made available to enable a full and serious review?

Mr Paterson: We have discussed things with Sir Desmond and we are confident that we will provide adequate resources to enable him to complete his task by December 2012.

Dr William McCrea (South Antrim) (DUP): I first pay tribute to the hundreds of thousands of security forces who served in Northern Ireland with great professionalism and bravery. Last week, my family received the review summary report on the brutal murder of my loved ones, Robert and Rachel McLernon, on 7 February 1976. We are studying that at this present time. Does the Secretary of State agree with me that all innocent victims of violence—including those at Darkley, Teebane, La Mon and so on—have a right to justice rather than our yielding to the endless demands of a select few?

Mr Paterson: I am grateful to the hon. Gentleman for his question and I wholly endorse his comments on those who served. I have already said in previous responses that I admire the work of the Historical Enquiries Team, which treats every one of these victims the same and does its very best under difficult circumstances and sometimes, tragically, with limited evidence, to get as near as it can to the truth.

John Healey (Wentworth and Dearne) (Lab): Does the Secretary of State accept that the Government might have got this badly wrong? Will he also concede today that it was a crass misjudgment to invite the Finucane family across yesterday, raising hopes and expectations, only to tell them that the pledge of a proper public inquiry had been withdrawn? So that the House can be clear about the responsibility, was the misjudged decision his or the Prime Minister's?

Mr Paterson: I regret the tone of that question. Sadly, the right hon. Gentleman has completely missed the point. We came in and inherited an impasse—I do not want to vex you, Mr Speaker, by repeating this. The previous Government, whom the right hon. Gentleman supported, was going nowhere on this and we had to break the logjam. I made the approach, I met the family, I put out the written statement and I discussed this with the Prime Minister. We are a collegiate Government and we worked this out together, but it was the Prime Minister's personal apology in Downing street that was a very bold gesture to move this on.

Mr Speaker: I am pleased to tell the Secretary of State that I am not vexed.

Dr Alasdair McDonnell (Belfast South) (SDLP): Does the Secretary of State accept that cracking on in the wrong direction may not be the right thing to do and that this tragic case has roots that lead right back to this House and a previous Government? A Home Office Minister in this House pointed the finger at lawyers a few days before Pat Finucane was murdered and that was sufficient endorsement for a few people—elements in the police and security forces—to send out lunatics in the loyalist paramilitaries to plan the murder of three lawyers, two of whom, now deceased, were friends of mine. The dogs in the street knew this at the time. In doing that, disrepute was brought on hon. Members across the House and those elsewhere who were members of the security forces and of the Royal Ulster Constabulary.

We now accept that there was collusion. May I ask the Secretary of State whether the proposed review will confine itself to the narrow details of the murder of Pat Finucane, or will it include investigations into the wider collusion and plotting to kill those other lawyers? Does he know of the destruction of any papers? He will be aware that papers are brought in. I am concerned that Sir Desmond, who is a very honourable and highly reputable man, does not have the power to summon people and papers; his teeth have been removed and many of the papers have been taken out.

Mr Paterson: I am not sure whether the hon. Gentleman was present when I read out the terms of reference, but they are very clear that the review is to draw on the extensive investigations that have already taken place—I have listed the organisations—into the murder of Pat Finucane. That is quite clear.

Mr Tom Watson (West Bromwich East) (Lab): The former intelligence officer and private investigator Philip Campbell Smith has admitted to hacking the computer of another intelligence officer on behalf of Alex Marunchak of News International. Campbell Smith was arrested for witness intimidation of the very same intelligence officer, who was supposedly the only officer from the intelligence community co-operating with the Stevens inquiry into the death of Pat Finucane. It is alleged that when he was interviewed by the police he admitted that a special branch officer working on the Stevens investigation gave that personal information. I welcome the Secretary of State's commitment to allowing Sir Desmond access, presumably, to the police statement that was given, but if Sir Desmond wants to interview that special branch officer and that officer refuses, what powers will Sir Desmond have to get to the truth?

Mr Paterson: I am grateful for that question, and the hon. Gentleman has made some interesting comments. These are issues for Sir Desmond to resolve, but we believe that he will find the truth in the 9,000 statements taken under caution. We should not be under any illusion that some of the previous public inquiries got all witnesses to come forward. Indeed, the hon. Member for North Antrim (Ian Paisley) did not turn up to an inquiry and was fined £5,000 because, on a point of principle, he did not want to give information. We need to get away from the idea that a public inquiry will always bring witnesses forward and will always be more effective. We have 9,000 witness statements and 1 million pages to investigate as a route to the truth. I think that is a quicker way of doing things.

Mr Gregory Campbell (East Londonderry) (DUP): I welcome the Secretary of State's statement and his recommitment to recognising the dedication and bravery of the security forces, 99.9% of whom have obeyed, kept and upheld the law. Nothing that is said today should sully the names of those people. Does the Secretary of State understand that in Northern Ireland the track record of public inquiries is not perceived as good? Even where Governments have indicated that inquiries should not be expensive, they have been, and where Governments have said that they should bring closure, they have not brought closure. Does he accept that today's statement and announcement should mean that we start spending scarce resources on the future rather than wasting them on the past?

Mr Paterson: I am grateful to the hon. Gentleman for his comments. We were quite clear before, during and after the election that we believe there should not be any

[Mr Paterson]

more costly and open-ended inquiries. We believe this is a swifter and better route and I agree that if we can resolve some of these outstanding issues—I have gone on about the impasse—we can all begin to address problems of the present and the future. That is what we are trying to do.

Mr David Winnick (Walsall North) (Lab): All the atrocities committed were condemned at the time, during the 1980s and 1990s, and there was no selective condemnation. Whatever the sources of the murders, they were condemned by both sides of the House. However, will the Secretary of State recognise that this case is different, because of the extent of collusion by the state, and that the integrity of the state itself is in question. Bearing in mind that there have been two previous one-person inquiries—by Stevens and Judge Cory—that have not reached a satisfactory conclusion, is it not understandable that the family who have fought so hard for justice are so disappointed by the decision that has been reached?

Mr Paterson: Again, I say that we accept the verdict of Stevens that there was collusion and we have apologised. What we have set out today is a swift route to the truth.

Sammy Wilson (East Antrim) (DUP): May I welcome the Secretary of State's statement and express my disappointment that the anger that has been expressed by the family is being used to indicate that the peace process in Northern Ireland is so fragile that it will somehow fall apart as a result of the disappointment of one family? The Secretary of State has given us details about the inquiry, but will he also tell us the cost of the inquiry so far and give us an assurance that this marks a permanent end to the expensive public inquiry process of dealing with the past, which has done nothing to heal wounds but has filled the wallets of lawyers?

Mr Paterson: I thank the hon. Gentleman for his support. This is not an inquiry—it is a review—and I appointed Sir Desmond only this morning. To repeat, we estimate the cost to be £1.5 million. I entirely endorse the hon. Gentleman's opinion that we need to move on. Let me pick up on an earlier comment. A few weeks ago, I was in Enniskillen, where I met about 100 young people who were asked their three priorities. Not one of them mentioned the past. I think there is a generational issue here. For those affected—the 3,268 people and any of their relatives and for the Finucane family—these events are absolutely, shatteringly appalling. Their whole adult lives have been dominated by them and we have to recognise that, but there is a new generation coming through and we have to think about them. That is why we have to resolve these outstanding issues and move on.

John McDonnell (Hayes and Harlington) (Lab): Soon after I was elected in 1997, I led an Adjournment debate on the Finucane case and I do not doubt the Minister's wish to move on. However, one thing I learned in that debate and afterwards was that unless the family sanctions the process of moving on, this will be a futile exercise. No one doubts the abilities of Sir Desmond de Silva, but, as has been pointed out, he will not have the legally enforceable right either to access papers or to demand the appearance of witnesses. I believe that unless the process has the family's approval it will be tainted from the outset. The family was shocked yesterday. May I ask the Minister, before he takes the next step, to take a pause to allow the family to consider its position, come back and enter into more dialogue with the Government before we blunder into yet another mistake?

Mr Paterson: I am sorry that the hon. Gentleman takes that attitude. I do not want to repeat myself too often, but we inherited an impasse. The solution proposed by his Government was going nowhere; indeed, it was not a solution and this was festering. We fully appreciate the horror of this murder and the international significance of it. We honestly believe that getting the Prime Minister to invite the family over and meet them in person was a bold, brave move, and we sincerely believe that the appointment of this international lawyer of impeccable integrity will get to the truth faster than would have happened under a statutory inquiry, which the family would not have accepted.

Mr David Anderson (Blaydon) (Lab): It seems strange for the Secretary of State to say that the truth lies in the archives. It would then have lain in the archives for over 22 years; if the truth is there, why is someone not already in jail? Witnesses need to be called in a proper way, and that could happen only through a public inquiry. Clearly, this is more about the Conservative party looking to its manifesto and saving money than about justice being done.

Mr Paterson: I regret the tone of that contribution, which reduces the level of our debate, and I wholly reject what the hon. Gentleman says. I believe that the Prime Minister took a bold step. I think that the hon. Gentleman's views will be refuted in December 2012.

Ian Mearns (Gateshead) (Lab): The Secretary of State said that his party was elected on a platform of no more expensive or open-ended inquiries, but I am not convinced that the coalition came into government with that stance. I welcome the fact that the Prime Minister has apologised for state collusion in the murder of Pat Finucane, but I was a bit disconcerted when the Secretary of State said in his statement that collusion was not itself a criminal offence. Representatives of the state have acted criminally; a criminal investigation should ensue. Prosecution of those complicit in the murder of Pat Finucane should come after that. May we have some guarantees that that will take place?

Mr Paterson: I am sure that the hon. Gentleman understands that the Director of Public Prosecutions is, and should remain, wholly independent of Government. The previous DPP found that some cases did not achieve the necessary threshold. Obviously, should Sir Desmond reveal evidence in his report, in line with the independence vested in him, it will be entirely for the DPP to investigate and pursue it.

Points of Order

1.31 pm

John McDonnell (Hayes and Harlington) (Lab): On a point of order, Mr Speaker. Last week, the BBC announced 2,000 job cuts. That is a direct result of the licence fee imposed on it by the Government. We were expecting some form of ministerial statement on the subject—at least a written one, if not an oral one. Have you had any indication from the Government that a Minister will come before the House to give some form of statement on the subject?

Mr Speaker: I have not, but I have a feeling that the hon. Gentleman will, very properly, return to the matter, possibly at business questions tomorrow, but if not, in another way, and pretty soon.

Rosie Cooper (West Lancashire) (Lab): On a point of order, Mr Speaker. Yesterday at the Health Committee, in response to a question of mine, the Secretary of State told us:

> "I'm not aware—my colleagues may be—where trusts are seeking to manage their costs by downgrading of existing staff. If you are aware of that, please, by all means, tell us but I'm not aware of it."

Today a statement has been issued by Janet Davies, executive director of nursing at the Royal College of Nursing, which says that

> "the Royal College of Nursing has raised the issue of downbanding with the Secretary of State on a number of occasions, alongside other concerns such as recruitment freezes and redundancies in the NHS."

Mr Speaker, have you had any indication that a written statement, or perhaps a formal apology, will be forthcoming from the Secretary of State?

Mr Speaker: The short answer is that I am aware of neither, but I am grateful to the hon. Lady for her point of order and advance notice of her intention to raise it. The issue, in so far as we are talking about appearances before a Committee, is a matter for the Committee rather than the Chair, unless and until the Committee draws the matter to the attention of the House. Meanwhile, the hon. Lady has registered her concerns forcefully on the record.

United Kingdom Bioethanol Industry

Motion for leave to bring in a Bill (Standing Order No. 23)

1.33 pm

Ian Swales (Redcar) (LD): I beg to move,

> That leave be given to bring in a Bill to require the Chancellor of the Exchequer to lay before Parliament an independent report on methods for supporting the domestic bioethanol production industry; and for connected purposes.

The Prime Minister said last week:

> "Whatever it takes to help our businesses…we'll do it."

Well, now is his chance. The UK bioethanol industry has invested more than £500 million over the past five years, and a lot more is planned. That is based on the UK's commitment to implementing the EU renewable energy directive and having biofuel content in our petrol.

Ensus has built Europe's largest bioethanol refinery in my constituency, and it started up in February 2010. More investment is planned in the constituencies of the hon. Members for Great Grimsby (Austin Mitchell) and for Brigg and Goole (Andrew Percy). However, the Ensus plant came offline at the end of May and remains shut. The situation is uncertain. The jobs of 2,000 people at the plant and in the supply chain are at risk. This is not a tale of commercial gross misjudgement; it is mostly a tale of being let down by politicians. Sadly, it is a common story. Instead of leading the world in green technology, we are way behind and playing catch-up, but other countries are moving even faster. In 2010, we slipped from third to 10th in the world green investment league.

So what are the problems affecting the bioethanol industry? First, the previous Government repeatedly delayed and watered down the renewable transport fuel obligation. They had form, with similar dithering bankrupting the early investors in biodiesel production. The original 2003 target was 8.8% by 2010-11. The target now is 5%, which will not be reached until 2013-14, so there has been major delay. That has radically moved the goalposts for an industry that has a long lead time for investments coming on stream.

Secondly, there are issues to do with UK fiscal policy, which actually discriminates against biofuels. Those fuels are, by their nature, energy products, but they are taxed by volume at the same rate as the fossil fuels that they are intended to replace. As biofuels have a lower energy content by volume, they face a heavier tax burden despite being the greener option. That is hindering the uptake of biofuels in the UK.

The EU Commission has announced proposals to revise the energy taxation directive, which are now being negotiated by the European Council. Under the revised directive, transport fuels would be taxed, at the minimum level, according to energy content and carbon content, rather than by volume. The UK should support the adoption of the revisions to the directive at EU level and reform UK fiscal policy. Transport fuels with the best carbon and sustainability performance should be available to the consumer at the pump at the lowest cost, in terms of pence per mile.

Thirdly, there are US imports. The UK market is dominated by US imports, which exploit loopholes in our tariff structure and receive domestic subsidies for

[Ian Swales]

their production. Bioethanol used for blending with petrol in transport fuel is imported to the UK already partly blended. It is then classified as a chemical product and dealt with under chapter 38 of the UK trade tariff. The customs duty payable is much lower than it ought to be, especially when comparison is made with many other EU member states. Bioethanol imported under that code is able to undercut the market, with damaging consequences for our industry. Many other EU states such as Germany have ensured that only unadulterated ethanol qualifies towards their targets under their renewable transport fuel obligation. That is imported under the equivalent of chapter 22 of the UK trade tariff classification, which carries a much higher tariff. Through that method, they shield their domestic market from the aggressive and unfair import of bioethanol that we experience here.

It is clear that the tariffs present a major problem for the industry. A new operator, Vireol, claims that it has already missed out on a significant multi-million-pound equity investment from a major industry player because of our approach to tariffs, as compared with the approach taken by competing member states. It sees our stance as a serious impediment to the development of a thriving industry in the United Kingdom.

There is a vote on the issue today in Brussels. It beggars belief that only last week a Department for Transport official seriously suggested that the UK should vote against our long-term national interest based on a short-term, tactical, economic assessment. That would mean supporting the US in undermining our industry, based on its subsidised material, which is chemically doctored to exploit a tariff loophole. We need real strategic thinking.

One final issue: the Department of Energy and Climate Change is not always clear about sustainability criteria. Some products are less green than others, and investors need clarity on that vital policy issue. There is a serious lack of joined-up thinking across government when it comes to green technology. The issues are very likely to involve the Department of Energy and Climate Change, the Department for Business, Innovation and Skills, and the Treasury. They will sometimes involve the Department for Environment, Food and Rural Affairs, and in this case they involve the Department for Transport.

I welcome the recent formation of the green technology council to address the problem of co-ordination. Here is what the Government need to do: I want the green technology council to look urgently at the bioethanol situation. Using this example, it should formulate how to get all Departments and the civil service joined up, fighting together ruthlessly for the national interest as we forge our green future. I want to see the Department for Transport implement the renewable transport fuel obligation as soon as possible and in a predictable way to give the industry the market that it plans for when making major investment decisions. I want to see the Treasury tax biofuels by energy or carbon content, not by volume, and I want to see the UK take action on US imports, get them properly classified and stop this material being dumped here.

There may be those listening to this debate who question the sustainability of the business. To them let me say that the Ensus business is an outstanding example of sustainability. The feedstock is animal feed wheat. The products are bioethanol for use in road fuel, carbon dioxide which, in a separate £20 million investment by another company, is collected for use in the food and drink industry, and animal feed which contains all the protein in the original wheat. It is highly valued by farmers and replaces the import of high protein soya-based animal feed from South America, which is most likely grown on former rain forest land. Those who worry about land use should remember that under the crazy common agricultural policy we are currently paying our farmers not to grow things.

The National Farmers Union has commented on the situation in a letter to the Secretary of State for Transport, saying that

> "the NFU has been made acutely aware of the current damage being created to the development of the UK biofuels industry from ethanol imports which can exploit loopholes in the tariffs structure and classification definitions, undermining sustainably produced domestic biofuels."

The NFU goes on to point out that damage to the industry will have

> "additional implications for UK agriculture; reducing market diversity which supports our farm investment, agricultural jobs and rural development while additionally putting at risk availability of useful by-products such as protein for livestock feeds, continuing our increasing reliance on imported products."

This is an excellent business to have in the UK. Our feed wheat yields are some of the highest anywhere in Europe and the high starch varieties typically grown in the UK are ideally suited—*[Interruption.]*

Madam Deputy Speaker (Dawn Primarolo): Order. I am sorry to interrupt the hon. Gentleman, but there are far too many private conversations going on in the Chamber. The hon. Gentleman has the Floor for his ten-minute rule Bill. Conversations should go on outside the Chamber.

Ian Swales: This is an excellent business to have in the UK. The wheat grown here is ideal for producing bioethanol. We can have a more efficient and cost-effective business than that of Germany, France or Belgium, yet we are significantly lagging behind those countries. The UK has a proud record in process industries and bioethanol should be a key part of our industrial future.

There are many benefits to taking action. A thriving bioethanol industry will help us meet our climate change targets. Energy security will be improved by literally growing our own. Action will encourage further investment in green manufacturing and technology development. There are already other exciting possibilities, above all growth. When fully running Ensus has a turnover of around £250 million. To supply future UK needs there is a £3 billion business out there.

The Bill should be seen as part of the Government's vital growth agenda and requires that the Chancellor lay before the House a report on the industry. It should cover the specific tax and tariff issues mentioned earlier in my speech, how to encourage further rapid investment in this green industry so that the UK can match the activity of its competitors, and how to ensure that the UK Government and civil service are properly lined up in support. The Government now have a golden opportunity to show that they are serious about their commitments to being green, to promoting manufacturing and, above all, to growth. We should be supporting our jobs, supporting our growth and supporting our bioethanol industry.

Question put and agreed to.

Ordered,

That Ian Swales, Tristram Hunt, Andrew Percy, Austin Mitchell and Mr David Ward present the Bill.

Ian Swales accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 20 January 2012, and to be printed (Bill 233).

Opposition Day

(UN-ALLOTTED DAY)

Jobs and Growth

1.45 pm

Ed Balls (Morley and Outwood) (Lab/Co-op): I beg to move,

> That this House notes that there has been no growth in the UK economy over the last nine months, compared to 1.8 per cent. growth in the previous nine months; further notes that families are feeling the squeeze, unemployment is rising again and the recovery was choked off last autumn, well before the eurozone crisis of recent months; agrees with the International Monetary Fund's managing director that 'growth is necessary for fiscal credibility' and the IMF's recent report which warned that 'if activity were to undershoot current expectations and risk a period of stagnation' the Government should 'consider delaying some of their planned consolidation'; further notes that borrowing is forecast to be £46 billion higher than planned because of the slower growth and higher unemployment arising from the Government's policy of cutting spending and raising taxes too far and too fast; further believes that the Government need a plan for jobs and growth if the deficit is to be reduced in a sustainable way; and calls on the Government to implement a steadier deficit plan and the Opposition's five point plan for jobs, which includes a tax on bank bonuses to fund 100,000 jobs for young people, bringing forward long-term investment projects, reversing temporarily the VAT increase to provide an average £450 increase for a couple with children, implementing a one-year cut in VAT on home improvements, repairs and maintenance to five per cent, and a one-year national insurance tax break for small firms taking on extra workers.

In opening this Opposition debate on the economy and moving our motion urging the Government to kick-start Britain's choked-off recovery and adopt Labour's five-point plan for jobs and growth, I shall start by setting out the facts for the House and for the country. Over the past year the British economy has ground to a complete halt. The latest figures show no growth at all since last autumn. Consumer and business confidence has slumped. For three months manufacturing output has been falling. More than 16,000 companies have gone out of business. Employment is falling and today's chilling news is that unemployment has risen by 114,000 in the past three months alone.

Unemployment here in Britain now stands at 2.57 million people out of work—the highest level since 1994. Unemployment is rising across the country. We have the highest level of unemployment among women since 1988. Most worryingly of all, youth unemployment, which a year ago was falling, is now rising again, up 74,000 in the past three months, with 991,000—more than one in five—young people out of work. There has been a 60% rise in youth long-term unemployment since February, and the overall level of youth long-term unemployment is at its highest for 19 years. What a waste of talent, what a waste of money and what a betrayal of this young generation.

Michael Fallon (Sevenoaks) (Con): The former Home Secretary, Charles Clarke, said yesterday:

> "I think the economic proposition that Labour puts at the moment is unconvincing."

How can the right hon. Member for Morley and Outwood (Ed Balls) convince the House and the country when he cannot convince his former Cabinet colleague?

Ed Balls: Unemployment is rising and growth is flatlining. The Prime Minister said just a few months ago that the only person supporting me was *The Guardian* leader writer. Since then, what have we seen? The OECD and the International Monetary Fund are saying that the Government should change course. What has happened to *The Guardian* leader writer? He has become the speech writer to the Prime Minister.

To those who say that these are just the effects of a world economic crisis now hitting Britain—the same people who absurdly claim that the global financial crisis was all the fault of the British Labour Government, but who now want to blame the British growth crisis on the rest of the world—I say yes—

Christopher Pincher (Tamworth) (Con): Will the right hon. Gentleman give way?

Ed Balls: In a minute.

Yes, the deepening euro crisis and the weaker US recovery have made things harder for British exporters in the past three months, but one cannot blame the eurozone or the world economy for the collapse of economic recovery here in Britain when, since last autumn, our economy has grown more slowly than that of any EU country except Greece and Portugal, when we have the highest level of inflation of any EU country except Estonia and Latvia, and when, over the past year, we have seen a bigger rise in unemployment than the EU average, when most EU countries have seen unemployment not rising, but falling. I know the Chancellor does not like it, but those are the facts. The Prime Minister said today, "I accept responsibility for everything that happens in our economy". I hope the Chancellor will do the same today.

Mr William Cash (Stone) (Con): Does the right hon. Gentleman accept that the trade deficit between ourselves and the 17 countries in the eurozone has gone up from minus £4 billion to minus £38 billion in the past year alone, and that one of the main reasons, both as respects the whole of Europe and as respects the United Kingdom, is that employment and social regulations are strangling small businesses, for which the Labour party was also responsible in Government? I am critical of the present Government, but am I not also critical of the right hon. Gentleman's party's performance in the past 10 years?

Ed Balls: The Chancellor's big boast over the past six months, which we were told regularly, was that between 400,000 and 500,000 more jobs had been created in the British economy, but today's figures months show that employment has not gone up at all in the past 12 months; it has actually gone down. We were also told that public sector job cuts would be more than outweighed by the rise in private sector jobs, but I am afraid that employment is falling because the private sector has been unable to deliver the recovery we were promised. It has been a complete fantasy.

Christopher Pincher: It is nice that the shadow Chancellor acknowledges the Government's responsibility for the economy, but it would also be nice if he took some responsibility for the damage he did to it when he was in power. A former Chancellor has said that Labour lacks economic credibility. If the right hon. Gentleman cannot even convince a former Chancellor on his own Back Benches, how can he convince the country?

Ed Balls: The hon. Gentleman will have to convince his constituents because, despite the fact that we were told a year ago that the recovery would be on track, growth has flatlined for a year and unemployment is rising right across the country, which means that borrowing will be higher, not lower.

Charlie Elphicke (Dover) (Con): The shadow Chancellor responds to questions about his failing to convince his shadow Cabinet colleagues and former Cabinet colleagues by talking about convincing constituents, so why have his poll ratings for economic credibility fallen among his constituents and my constituents and across the whole country?

Ed Balls: I would be happy to have a debate with the hon. Gentleman on economic credibility. He said in June this year:

> "Employment has gone up in my constituency and unemployment has been falling, which is welcome."—[*Official Report*, 22 June 2011; Vol. 530, c. 426.]

The figures show that unemployment in his constituency has gone up by 456 in the past year. Perhaps he should apologise to his constituents for getting it wrong.

Several hon. Members *rose*—

Ed Balls: I will make some progress before giving way again. A year ago we warned that a global hurricane was brewing and that it was exactly the wrong time to rip out the foundations of the house here in Britain.

Mr Dave Watts (St Helens North) (Lab): Will the shadow Chancellor name one country that has managed to get out of recession without growth?

Ed Balls: By definition, it is impossible to get out of recession without growth, which is why in the past nine months we have seen no growth at all. We were told we were out of the danger zone, but we do not hear that very often now.

Several hon. Members *rose*—

Ed Balls: I will make some progress before giving way again. I am always very happy to take interventions. It is clear that the Chancellor has a good whipping operation in place today, although good whipping is something he knows quite a lot about.

A year ago, we warned that a global hurricane was brewing and that it was exactly the wrong time to rip out the foundations of the house but the Chancellor disagreed and recklessly decided to raise taxes and cut spending further and faster than in any other economy. The evidence is clear that his plan has not made the British economy better able to withstand the global storm and that by going too far and too fast he has left it badly exposed. Families and businesses up and down the country are asking how many more businesses must go bankrupt, how many more families must see their living standards fall, how many more young people will have to lose their jobs, how much more unemployment and misery and rising child poverty must we see. How much more evidence do the Government need before they finally change course?

Jacob Rees-Mogg (North East Somerset) (Con): Will the right hon. Gentleman give way?

Ed Balls: I will happily give way to my friend over there.

Jacob Rees-Mogg: I am grateful to the shadow Chancellor for giving way, but I wonder whether he has got it the wrong way round. With a global storm brewing, the right thing to do was ensure that the gilt market was secure and that we could carry on borrowing cheaply, which has ensured that a recovery will eventually come. He can no doubt find something I said in 1830 and quote it back to me, but that is not really the point.

Ed Balls: I am not sure about 1830, but if the hon. Gentleman was in the House in 1930—he might have been—he will know the dangers of very low bond yields accompanied by rising national debt, rising unemployment and economies locked in stagnation. I do not know whether he was around at the time, but some forefathers and foremothers certainly were. Let me quote the director of the National Institute of Economic and Social Research, the think-tank of the year, who said:

> "The reason people are marking down the gilt yields is because they think that the economy is weak."

That is the truth.

Let me make a prediction. I do not expect the Chancellor to announce a change of course today, but will we hear him repeat his boast made this time last year that the British economy's recovery is on track? I doubt it. Will he repeat the Prime Minister's deeply complacent boast that Britain is out of the danger zone? I doubt that, too. Will he describe Britain as a safe haven that is immune from the global storm? Will he repeat his naive forecast that cutting public jobs will boost private confidence and create more private jobs? Even this Chancellor cannot fly in the face of the facts. Employment has fallen in the past 12 months. On the day when unemployment has risen again, will he give any indication that he understands at all how hard things are for families up and down the country? Is he so out of touch that he really believes that a £1.40 a week council tax freeze can compensate for a £9 a week rise in VAT?

Nadhim Zahawi (Stratford-on-Avon) (Con): On unemployment in manufacturing, why does the shadow Chancellor think that manufacturing was 21% of GDP in 1997 and 12% when Labour left office?

Ed Balls: Well, unemployment has fallen as a percentage—*[Interruption.]* As I said, that whipping operation knows no bounds. I was hoping that the hon. Gentleman was going to repeat what the hon. Member for West Suffolk (Matthew Hancock) said earlier this year. He said that

> "manufacturing is expanding under this Government".—[*Official Report*, 23 March 2011; Vol. 525, c. 1024.]

The trouble is that manufacturing output has fallen in every one of the past three—*[Interruption.]* I am going to agree with the hon. Member for Stratford-on-Avon (Nadhim Zahawi), who wrote on his blog that

> "deficit reduction alone isn't enough. If we are to smooth the waters of this choppy recovery we need to ensure that we also support sustainable growth in the private sector."

Where is that growth? Will the Chancellor repeat his claim that—

Sir Peter Tapsell (Louth and Horncastle) (Con): Will the right hon. Gentleman give way?

Ed Balls: Undoubtedly.

Sir Peter Tapsell: As a lifelong Keynesian, I fully understand that growth can be achieved only by increased demand. Every Finance Minister in the western world is grappling with that problem. What are the right hon. Gentleman's proposals for increasing demand without causing damaging side-effects for the rest of the economy?

Ed Balls: At last, a perceptive intervention from the right hon. Gentleman. I will come to that very issue later in my speech after making a few more points. I will deal with ensuring that getting demand moving is done in a safe, sustainable and careful way.

Geraint Davies (Swansea West) (Lab/Co-op): Does my right hon. Friend agree that it is no surprise that, if the Chancellor announces half a million job cuts in the public sector, those people will save rather than spend and that the people in the private sector, who normally sell things to them, contract and stop taking people on? It is no surprise that that very announcement underpins the lack of growth in our economy and puts the guilt on the Government side of the Chamber.

Ed Balls: I think that the Chancellor will regret talking down the British economy a year ago, because the rise in private sector jobs has been swamped by public sector job cuts. That is why employment is falling. That is why the private sector is not investing. That is why his corporation tax cut has had no impact on private sector investment. Will he repeat his claim made in January 2009 that

> "quantitative easing is the last resort of desperate governments when all their other policies have failed"?

Those are prescient words, because we know the truth, and so do his increasingly desperate-looking supporters on the Government Benches.

Let me say what the Chancellor cannot admit: the private sector-led recovery he promised has proved to be a fantasy, as we predicted. In the past year, the growth that he predicted has failed to materialise.

Sajid Javid (Bromsgrove) (Con): Will the right hon. Gentleman give way?

Ed Balls: In a moment.

Unemployment is rising, and a vicious cycle of higher unemployment, fewer people in work paying tax and more people on benefit means that the Chancellor's deficit reduction plan is going badly off track. We all know the truth, and so does he—plan A has failed.

Sajid Javid: Can the right hon. Gentleman name one country that has got out of a debt crisis by taking on more debt?

Ed Balls: I understand the hon. Gentleman's point. If, rather than preparing his intervention, he had listened to my last point, he would have understood why borrowing is already set to be £46 billion higher than the Chancellor planned. The reason is that if unemployment goes up, if the economy flatlines, if fewer people are paying tax and if more people are on benefits, you borrow more. In the hon. Gentleman's constituency, 50 more people are unemployed than a year ago. Perhaps he should be apologising for backing a Chancellor who got it so badly wrong.

[Ed Balls]

This increasingly desperate Chancellor is now relying on plan B—or should I say plan BOE? But quantitative easing cannot work on its own, and any sensible economist can tell him why that is. The new shadow Chief Secretary to the Treasury, my hon. Friend the Member for Leeds West (Rachel Reeves), who is a former Bank of England economist, can certainly explain to the Chancellor why quantitative easing cannot do the job on its own. Whether the current Chief Secretary—the former national parks press officer—could explain to the Chancellor how quantitative easing works is another question. As the shadow Chief Secretary could very well explain—*[Interruption.]* Does the hon. Member for West Suffolk (Matthew Hancock) want to intervene? If so, I will happily take his intervention.

Matthew Hancock (West Suffolk) (Con): As a former Bank of England economist, may I explain to the shadow Chancellor that quantitative easing works only when one has a credible fiscal policy?

Ed Balls: I am so pleased that the hon. Gentleman has made his intervention, because we have missed him for the past couple of debates, and now he is back. Last time he intervened on me, he put this on his website:

> "Shadow Chancellor boosts Matthew's work in West Suffolk".

I want to do the same again. His campaigns to get more money for schools, to keep Thetford forest safe and to stop cuts to school crossing patrols are going well. The chief executive of his council has been sacked, and the Labour council in Ipswich has intervened and backed his campaign on school crossing controls and libraries. I have a quote from the shadow Chancellor for his press release: "Mr Hancock has been tireless in his campaign against unfair cuts to local services imposed by the Conservative-led Government—cuts which go too far and too fast." He can leave the last bit out if he likes; I do not mind.

Matthew Hancock *rose—*

Ed Balls: I will give way, but before I do, let me return to quantitative easing. As these Bank of England economists know well, simply printing money cannot boost demand and keep interest rates low when they are already close to zero. Printing money cannot boost spending when companies are too scared to invest and consumers to spend. QE—the hon. Gentleman should know this—cannot revive a stalling economy by boosting demand in one direction when fiscal policy is working in a contractionary way in completely the opposite direction. As the Bank of England Governor said only last week, and in this respect I agree with him:

> "We can do our part in it but we can't solve all our problems alone."

I now give way to the hon. Gentleman.

Matthew Hancock: The shadow Chancellor is famous for being a supporter of Norwich City football club, so will he join me in welcoming the decision to break ground on dualling the A11—an investment project that did not get the go-ahead under Labour and is happening under this Conservative Government?

Ed Balls: I think the hon. Gentleman got the name wrong. He does not mean Norwich City—he means premiership Norwich City, which is more than one can say for any football team in Suffolk. I will back his campaigns to stop the cuts and to spend more, and I fully support the dualling of the A11. At last some Conservatives have persuaded some Conservative councils to do the right thing about these proposals, which is very good.

Richard Fuller (Bedford) (Con): It is all very humorous here today, but in my constituency we already have above-average national levels of unemployment and unemployment has increased. It is always interesting to hear an economist debate with another economist. However, may I ask the shadow Chancellor what direct personal experience he has of working in business, helping to create jobs, and knowing what it is like to make payroll each week? If he does not have any of that experience, will he please undertake to this House that he will go out and get some?

Ed Balls: I have worked in Government and at the *Financial Times*. I have never run a business, but I respect people who run businesses and I understand why they are so worried at the moment. In the hon. Gentleman's constituency, where unemployment has gone up by over 400 in the past 12 months, there will be some very worried businesses, and it is important that we listen to them and hear what they are saying.

That is why now is the time for our oh-so-political Chancellor to put politics aside and start to do the right thing. Protecting our economy and protecting valuable businesses and jobs is more important than trying to protect a failed plain. We do not have to wait for another month of unemployment rising, or for 46 more days until we finally get the economic and fiscal forecast from the Chancellor, to know what he is going to have to say. He is going to have to downgrade his growth forecast for this year for the fourth time in 18 months and downgrade his growth forecast for next year. As I have explained, we already have £46 billion more borrowing in the pipeline, and unemployment is now rising. He is going to have to admit that borrowing will be billions higher still than at the time of his last forecast. The Prime Minister says:

> "You can't borrow your way out of a debt crisis",

but he just doesn't get it. *[Interruption.]* No, he doesn't get it. Because with growth flatlining, and with today's bleak news of rising unemployment, the Chancellor's failing plan is leading to not lower borrowing but higher borrowing than he planned.

John Hemming (Birmingham, Yardley) (LD): Whatever the Government's policy, the Opposition's policy is to borrow more to increase demand. Is there a limit on the borrowing?

Ed Balls: I will return to the hon. Gentleman and his party in a moment. They gave the Government some very good advice 18 months ago, but unfortunately it was not heeded.

Elizabeth Truss (South West Norfolk) (Con): The right hon. Gentleman has talked about infrastructure and the A11. Labour cancelled the road-building programme, whereas we are breaking new ground on the A11. In addition, so much red tape was put in place that we are now 83rd in the world for regulation. Does he think that is helping small businesses in our country?

Ed Balls: To be fair to the hon. Lady, she is half on message, as she was back in January when she called for national police cuts, but not in Norfolk. That is little better than her neighbour over the border, the hon. Member for West Suffolk. I am in favour of the dualling of the A11. I personally wish we had done that, given that we did a lot of road-building and investment, but for some reason Norwich City season ticket holders did not have a strong enough voice in this House. Perhaps Mr Charles Clarke is to blame.

Gavin Shuker (Luton South) (Lab/Co-op): Is my right hon. Friend as outraged as I am by the series of east of England Tory and Liberal Democrat MPs who choose to ignore the massive cuts to programmes such as Building Schools for the Future, which would have rebuilt schools in their own areas?

Ed Balls: My hon. Friend is being unfair. The hon. Member for West Suffolk campaigned to reverse the cuts in Building Schools for the Future, as we know. To be fair to the hon. Member for South West Norfolk (Elizabeth Truss), she has campaigned for fewer cuts in Norfolk. If only she did not take such a regional view.

John Mann (Bassetlaw) (Lab): I congratulate the shadow Chancellor on listening to what I said in this place a year ago and on the major change in Labour's economic policy in the last three weeks, which has gone unnoticed. Last year's policy of a permanent reduction in VAT has changed to the far more credible policy of a temporary reduction in VAT, which is precisely what I argued for in this place a year ago. Will the shadow Chancellor listen carefully if I have the chance to make a point about national insurance in this debate?

Ed Balls: My hon. Friend is a leading indicator, not a lagging indicator.

The fact is that the deficit plan is going too far and too fast. As I have said, we should stop putting party political advantage before the national interest. That is why the right thing to do to help struggling families and businesses in the constituencies of Members across the House is to adopt a plan now to get our deficit down by getting our economy moving. We should repeat the bank bonus tax; build 25,000 homes; guarantee a job for 100,000 young people; genuinely bring forward long-term investment projects in schools, transport and roads; temporarily reverse the damaging rise in VAT, which would mean £450 for a couple with children; have an immediate one-year cut in VAT to 5% on home improvement, repairs and maintenance; and introduce a one-year national insurance tax break for every small firm that takes on extra workers.

The Chancellor does not have to wait 46 days. He can bring forward emergency resolutions in this House next week and we will support them. He can call the plan what he likes. If he wants to appease *The Spectator*, he can call it plan A-plus. That is fine by us. Britain just needs a plan that works for jobs and growth, which is why he should adopt Labour's five-point plan for jobs and growth.

Jesse Norman (Hereford and South Herefordshire) (Con): While we are on the topic of football, may I congratulate the right hon. Gentleman on his ample use of the substitutes' bench, although it was of course not him who used the substitutes' bench? What would be the cost of his temporary cut in VAT, how does he propose to finance it, and what would be the gain in GDP growth as a result?

Ed Balls: "Jesse is the Clark Kent of British politics." Unfortunately, that was said by the other candidate for the leadership of the Conservative party, Boris Johnson. What an endorsement for the hon. Gentleman to have on his own website! The fact is that the deficit reduction plan is going too far—

Jesse Norman *rose—*

Ed Balls: Get back in your phone box, I am answering the question. We need a slower pace of deficit reduction, not the £40 billion more that the Chancellor boasted of. An injection now to get the economy growing and unemployment coming down is the best way to get our deficit down. People do not have to take it from me; that is what the IMF and the OECD are advising the Chancellor to do. They say, "If the economy gets into sustained contraction, slow down the pace of consolidation." I will give the hon. Gentleman another go.

Jesse Norman: We are all enjoying the shadow Chancellor's vaudeville act, but he has failed to answer the question. I am interested in what would be the actual cost of the VAT cut that he proposes and how he would fund it.

Ed Balls: The hon. Gentleman would know the answer if he listened. I said that attempting to go £40 billion faster in deficit reduction than the plan the Chancellor inherited is not working, but pushing borrowing up. The right thing to do now is to expand demand—*[Interruption.]* Look, a one-year cut in VAT in its own terms would cost £12 billion. The question is what would be the impact on jobs, growth and deficit reduction. I am afraid that the Chancellor is borrowing not £12 billion more, but £46 billion more. The flatlining economy and rising unemployment mean that his deficit reduction plans are going off track. He should take the advice of the IMF and the OECD and change course.

Harriett Baldwin (West Worcestershire) (Con) *rose—*

Charlie Elphicke *rose—*

Ed Balls: I will make a little more progress, but I will take interventions from people who have not intervened. Good grief, I have given the hon. Member for Dover (Charlie Elphicke) enough of the wrong type of publicity already and do not want to do his career any more damage.

There is a credible alternative. Why will the Chancellor not act? He used to be so confident that his plan was working. It is patently not working. He and his cheerleaders on the Government Benches claim that however bad things get, he is trapped by the financial markets. He cannot take the advice of the IMF and the OECD and change course because it would lead to higher interest rates and recession. However, the IMF has said that we cannot have credibility without growth.

The markets know that rising unemployment and zero growth are undermining the Chancellor's deficit reduction plan. One chief economist in the City at Baring Asset Management said last week:

> "Growth is essential if the UK is to be able to finance new debt, repay old debt and convince the markets and credit rating

[Ed Balls]

> agencies there is a modicum of competency in policymaking. The longer we pursue current policies, the more likely it becomes that the UK will be the next target".

That is the real market view. We know that the credit rating agencies put out their press releases, but the real view, as the IMF has told us, is that having a flatlining economy and rising unemployment is the wrong way to get the deficit down. As I said, even the Chancellor's friend at the IMF has said that

> "growth is necessary for fiscal credibility".

Britain has no growth. That is why our Chancellor is losing credibility.

Harriett Baldwin: Will the shadow Chancellor confirm that cutting VAT to 17.5% would cost £12.5 billion a year? Would that not simply shift demand from one year to the next?

Ed Balls: The Chancellor's whipping team really must tell people to listen to the answers before they intervene.

The Nobel prize winner himself, Chris Pissarides, says in the *New Statesman* tomorrow that a temporary VAT cut is the right way—*[Interruption.]* I say to Government Members that Nobel prize winners who give good advice to the Chancellor should be listened to. Given that 70 more people are unemployed in the constituency of the hon. Member for West Worcestershire (Harriett Baldwin) than a year ago, perhaps she should start to listen too.

Bill Esterson (Sefton Central) (Lab): I know that the shadow Chancellor is aware of the "Cut the VAT" campaign, which wants the Government to reduce the VAT on home repairs, maintenance and improvement work from 20% to 5%. Its analysis shows that when the rate was 17.5%, cutting it to 5% would have injected £1.4 billion into the UK economy in the first year alone. I wonder whether he is aware that the campaign is backed by 49 business organisations.

Ed Balls: I know the details of that campaign, although I do not know all 49 members. I know that it argues for a widening of our proposal.

One business organisation, the Federation of Small Businesses, has said:

> "the Government's growth strategy is just not working…We must see a cut in VAT to five per cent in the construction and tourism sectors to boost consumer demand."

The business demand for a change of course is growing.

Robert Flello (Stoke-on-Trent South) (Lab): My constituents, my right hon. Friend's constituents and constituents across this country are seeing growth—growth in their gas and electricity bills and in their food bills. That double whammy is hitting our constituents on top of the mess that the Chancellor is making.

Ed Balls: Our constituents are seeing growth in VAT and in unemployment as well. The only thing that they are not seeing is growth in growth.

The markets are not the real reason why the Chancellor is determined to cling on to his failing economic policy. There are two obstacles in his way. The first is the coalition agreement. We know how desperate the Chief Secretary and the Deputy Prime Minister are for the Chancellor to stick to the deficit reduction plan, because they steamrollered their colleagues into signing up to a manifesto that explicitly rejected it. The Liberal Democrats' manifesto stated:

> "If spending is cut too soon, it would undermine the much-needed recovery and cost jobs."

They were right, which is why there are so few of them here for this debate. They all know that their leaders graphically predicted before the election the very calamity that has happened after the election. The fact is, any successful coalition has to have the flexibility to change course when things go wrong.

> "When the facts change, I change my mind. What do you do?"

Wise words from Lord Keynes, and he was a Liberal. He must listen to the current incoherent, confused and contradictory ramblings of the Business Secretary and turn in his grave.

Duncan Hames (Chippenham) (LD): The shadow Chancellor is certainly showing flexibility in concluding that in time, it would be acceptable for VAT to reach 20%. When did he reach that decision, and will he be able to persuade his colleagues, whom we know are so adamantly against VAT at 20%?

Ed Balls: When I became shadow Chancellor six months ago, I said that I could not responsibly come along here and make commitments on what would be in our manifesto in four years' time. What I can do is give the Chancellor good advice, and a temporary cut now is the right thing for growth and jobs in our economy.

It is not just Labour Members who support me on this. Listen to the former Liberal Democrat leader, the right hon. Member for Ross, Skye and Lochaber (Mr Kennedy), who said on "Question Time" last Thursday that he was

> "more at the Ed Balls end of the argument than the George Osborne end of the argument."

In saying that—Superman will like this—he joined me and the Mayor of London, Boris Johnson, in urging a change of course. Charles Kennedy, Boris Johnson and me—now that would be a coalition.

It is clear that the plan is not working. The markets know it, and so, increasingly, do the Chancellor's coalition colleagues, but there is a second reason why this very political Chancellor will not budge. The clue was in the Prime Minister's speech last week in Manchester. What did he say of the Chancellor? How did he describe his closest political friend? As "the man who would be king". It was a very strange choice of book, because it is the story of two fantasists who end up stripped, beaten, tortured and forced to beg for their lives. That is some people's idea of a good night out, but the idea that the Prime Minister should say that of the Chancellor is somewhat odd.

Anyway, there we are—"the man who would be king". It was not in the printed text of the Prime Minister's speech but was another slip from him. However, it is so revealing, because those words show why the Chancellor just cannot admit that he has got it wrong, even at a time when, at the weekend, *The Sunday Times* doubted his judgment. To change course now would be to admit that the Chancellor has got the key economic judgment of this Parliament wrong, and that would be a terrible blow to his ambitions. We therefore see him putting politics before the national economic interest.

Ploughing on with a failing policy is not leadership; it is the antithesis of leadership. It is not the making of King George; it is the madness of King George. A Chancellor without the strength to change his mind is a King Canute Chancellor, who says that he will stay the waves even as the tide turns before him. A man who would be king? He is a Chancellor exposed naked before the crowd, an emperor with no clothes, a Chancellor heading for a fall. I give him some good advice. For his sake, for his party's sake and in the national interest, he needs to change course and do so quickly. It could be the making of the man.

In the face of the new global slowdown, we desperately need the Chancellor to rise above the here and now and see the need to change course, have a plan for growth and jobs, kick-start our economy and get us out of the slow lane. We need a balanced and credible plan on jobs, growth and the deficit, and action now before it is too late—Labour's five-point plan for jobs and growth. I commend the motion to the House.

2.24 pm

The Chancellor of the Exchequer (Mr George Osborne): I welcome this opportunity to discuss the very difficult economic situation that this country and the rest of the western world face at the moment. After that vaudeville act, I am trying to remember whether the shadow Chancellor actually set out the five-point plan. He did not actually go through it, so we will go through it for him.

Of course, the concern of everyone here is to see growth, support jobs and get Britain through this debt storm; that is what we are talking about and working on. As this is an Opposition day, however, before I turn to what the Government are doing it is worth considering what the Opposition propose, and what the shadow Chancellor did and did not say. We should consider what his political friends, as well as his political opponents, are saying about him.

The right hon. Gentleman dismissed the intervention by one of my hon. Friends about Charles Clarke—*[Interruption.]* Well, there you go. It was not picked up by the microphones, but the shadow Chancellor just dismissively said, "Charles Clarke!" The Opposition dismiss everyone with whom they served in government. They boo their ex-Prime Ministers, they dismiss their ex-Ministers. Here is what the man who was the Labour Home Secretary said, not weeks ago but yesterday:

> "I think the Labour conference failed to come across strongly with an alternative to what the Government is doing. I think the economic proposition that Labour puts at the moment is unconvincing…we are simply dismissed by most people thinking about the most central question facing the country today, which is the economy."

That is the verdict not of the Conservative party, the Liberal Democrats or anyone else but of former members of the Labour Cabinet.

If we want to know why the shadow Chancellor is failing to convince the country, let alone his own party, of why he has not come forward with a convincing alternative, I suggest that we focus on three things that were not in his speech. I will cover each in turn. First, there was absolutely no plan to deal with the deficit. There was a not a single suggestion of how public expenditure could be saved. Let us remember what he said—

Mr Dave Watts (St Helens North) (Lab): Will the Chancellor give way?

Mr Osborne: I will in a moment, because perhaps the hon. Gentleman can respond to this point.

The shadow Chancellor said, when we debated the matter in August, that he would set out

> "a tough, medium-term plan to get our deficit down".—[*Official Report*, 11 August 2011; Vol. 531, c. 1110.]

Ed Balls *indicated assent.*

Mr Osborne: He nods, but where on earth is that tough, medium-term plan to get the deficit down? It was promised two months ago. Where are the cuts that he would make? He should give us some examples. We have been waiting for three years for ideas from the Labour party about what it would cut, and none has been forthcoming. The former Chancellor, the right hon. Member for Edinburgh South West (Mr Darling), who is in his place, was pretty revealing in his memoir about what was actually going on. He stated that

> "the 'investment versus cuts' argument…simply wasn't credible…I did want some examples of things we were prepared to cut. I could see, though, that there was no appetite for this in No. 10."

And we know who was advising the occupant of No. 10 Downing street at the time.

Ed Balls: The International Monetary Fund has stated that if the UK has a period of stagnation or contraction, the Government should change course and delay their planned tax rise and spending cuts. The economy has flatlined since the autumn, with zero growth. Does that represent the sustained stagnation that would cause the Chancellor to take the IMF's advice and change course?

Mr Osborne: The right hon. Gentleman quotes the IMF, but its managing director said a month ago that

> "in the United Kingdom strong fiscal consolidation is essential to restore debt sustainability… The policy stance remains appropriate."

The right hon. Gentleman also quoted the OECD, saying that it was telling me to change course, but the OECD's chief economist, whom he used to quote in the House, says:

> "The Government should not change its course. A cut in the VAT…would not be appropriate in our view."

So before the shadow Chancellor bandies around the recommendations of international organisations, he should quote them properly in the House.

Ed Balls: I will quote them verbatim. The Chancellor quoted the IMF from September and the OECD from before the summer, but let me quote the IMF from October, just two weeks ago. It stated:

> "If activity were to undershoot"—*[Interruption.]*

Let me read it, because the Chancellor has asked for the full quote, which is from October.

> "If activity were to undershoot current expectations and risk a period of stagnation or contraction, countries that face historically low yields (for example, Germany and the United Kingdom) should also consider delaying some of their planned consolidation."

[Ed Balls]

Is that stagnation and contraction in place, and has it been in place for long enough yet to justify his taking the IMF's advice of just two weeks ago?

Mr Osborne: In precisely the advice that the right hon. Gentleman reads out, the IMF, in its current forecasts for the UK economy, is very specific that the UK should not change its fiscal stance. It has consistently recommended that this country undertake credible deficit reduction. The Government have set out many proposals—controversial proposals—to get our budget deficit down, but in the 16 months that we have been in office we have heard not one single suggestion from the shadow Chancellor on how he would get the deficit down.

John Mann: Will the Chancellor give way?

Mr Osborne: I will take the hon. Gentleman's intervention in a second.

Last week, the Opposition tabled an amendment to the Welfare Reform Bill that would have cost this country £11 billion. That one amendment on one day in this House of Commons shows how completely incredible they are.

Mr Watts: The IMF is changing its policy and calling for a plan B, as is business, the general public and everybody else. When will the Chancellor introduce a policy that will deliver growth?

Mr Osborne: The policies that we have set out deliver the low interest rates that are essential for economic growth.

Nadhim Zahawi: The shadow Chancellor has quoted the IMF. Why does the Chancellor think that the Labour party voted against our subscription to the IMF? Why did the Labour Government not put their best people to work to deal with the deficit and the debt, but instead hire 17 people and spend £4.8 million on the euro preparation unit?

Mr Osborne: My hon. Friend reminds me that one of the first things I did in the Treasury was shut down the euro preparation unit. More importantly—

Ed Balls *rose—*

Mr Osborne: The shadow Chancellor, who has just been quoting the IMF, wants to intervene again, but let me say this, because my hon. Friend the Member for Stratford-on-Avon (Nadhim Zahawi) reminds me of another important point. Will the shadow Chancellor explain why he led his party—not everyone in his party, because I can see in the Chamber some prominent Labour Members who chose not to vote in that Division—into voting against a quota increase to the IMF, which was a central part of the London G20 summit chaired by the previous Prime Minister? How on earth does he think he could be taken seriously in any of the international meetings taking place at the moment if he had succeeded in winning that vote? Why did he do it?

Ed Balls: As the former chair of the IMF deputies, I am a huge supporter of the IMF. The rise in subscriptions is important, but for the Chancellor to try to ram it through the House before he sorted out the flawed European stability mechanism was a mistake—we voted against because we had doubts about his European policy.

However, to come back to my earlier intervention, let me ask the Chancellor this question again. Unemployment is rising, and output has been flat for a year: how much longer does he have to wait before he takes the IMF's advice and changes his deficit reduction plan? How bad does it have to get?

Mr Osborne: We are sorting out the mess that we inherited from the Labour party. Much as I wish that that could be done overnight, it cannot. So great was the hole into which they put the British economy that it takes time and effort to come out of it.

Tony Baldry (Banbury) (Con): Before my right hon. Friend was distracted, he quoted the previous Chancellor, who writes in his memoirs of his last pre-Budget report. He says that any coherent strategy would have been better than none, but that the previous Government simply did not have one. Are not the facts of the matter that the Labour party did not have a coherent economic strategy before the last general election, and that it still does not have one, as we all clearly heard this afternoon in the knockabout speech by the shadow Chancellor?

Mr Osborne: My hon. Friend is absolutely right. The previous Chancellor's memoirs reveal the very divisive role that the shadow Chancellor played in stopping the previous Labour Government coming up with a coherent economic policy and a credible economic plan, and even in stopping Nos. 10 and 11 talking to each other.

Mr Watts: Will the Chancellor tell the House what level of growth he inherited and what it is now?

Mr Osborne: I shall tell the hon. Gentleman what I inherited as Chancellor and what this country inherited from the previous Government: we inherited the second deepest recession in the entire world. The hon. Gentleman talks about GDP, but we had the biggest fall in GDP of any country in the world with the sole exception of Japan.

Several hon. Members *rose—*

Mr Osborne: I will give way in a moment, because I want to ask Opposition Members some questions. The House is today asked to support an Opposition motion that would add another £20 billion to the structural deficit. They maintain the fiction that they are sticking with the so-called Darling plan on the deficit—*[Interruption.]* That is what they say. Does the shadow Chancellor agree?

Ed Balls *indicated assent.*

Mr Osborne: Okay. The motion tears up the Darling plan—it is £27 billion off the plan set out in the March 2010 Budget. That is the truth.

Alison McGovern (Wirral South) (Lab) *rose—*

Mr Osborne: I shall give way to the parliamentary private secretary to the former Prime Minister to defend his record.

Alison McGovern: I will defend the record of our former Prime Minister any day of the week, but will the Chancellor defend his own record, and tell the House how far away he is from his deficit payback plan?

Mr Osborne: The hon. Lady has to defend the record of the former Prime Minister because he never turns up in this House to defend it himself.

The one thing that we want to avoid in a debt crisis is a sharp rise in interest rates, but that is what the motion would bring about. Let me give the House some new information.

Several hon. Members *rose—*

Mr Osborne: I will give way in a moment. Let me make progress. Do not worry: there will be lots of opportunities for Opposition Members to answer my questions.

I can give the House new information on what just a 1% rise in interest rates would mean for this country at the moment. Such a rise would cost British families an additional £10 billion a year in higher mortgage payments and the British Government an additional £6 billion a year in higher interest costs, and it would increase our net payments to foreign creditors by around £15 billion a year—£15 billion that would leave our economy. Given the sums involved, the impact on family mortgages and small business loans would completely outweigh any fiscal effects of the proposals in the shadow Chancellor's motion.

Several hon. Members *rose—*

Mr Osborne: I said that I would give way in a moment. Labour's approach would lead to a credit downgrade of this country. The shadow Chancellor shakes his head, but there is no doubt about that any more. This is what the credit rating agency, Standard & Poor's—*[Laughter.]* Opposition Members laugh at the credit rating agencies and the need for this country to preserve its triple A credit rating, but Standard & Poor's says that the ratings would

> "come under downward pressure if the Coalition's commitment to fiscal consolidation falters".

That is what we would get under Labour: a downgrade to our credit rating, higher interest rates and the economy sent into a tailspin.

Several hon. Members *rose—*

Mr Osborne: I give way to the right hon. Member for Holborn and St Pancras (Frank Dobson).

Frank Dobson (Holborn and St Pancras) (Lab): Why does the Chancellor give such credence to Standard & Poor's, which gave triple A ratings to every stupid, risk-taking banker, including those in Northern Rock? Standard & Poor's advised Northern Rock on one of its products for about a year, and then surprisingly gave Northern Rock a triple A rating. Why should we take any notice of people like that?

Mr Osborne: That, of course, is the attitude of the Labour party. It ignores entirely the views of the world bond markets and the credit rating agencies. That is exactly the approach that got Britain into this economic mess. Because the Government have a credible plan, we are pulling this country out of that mess.

Jesse Norman: Does the Chancellor share my amazement at the lack of reality on the Opposition Benches? The eurozone is in crisis, the credit markets for the banking system across Europe are in desperate straits, and yields are rising, and yet the Opposition would squander £20 billion to £30 billion and increase our deficit.

Mr Osborne: My hon. Friend is absolutely right. Low interest rates are a precious commodity for the UK at the moment, and Members of the House, sent here to represent their constituents, have to ask themselves, "Do we really want an increase in interest rates at this time?" Is that what we want? It is what the motion would lead to.

Several hon. Members *rose—*

Mr Osborne: I shall give way to the member of the Treasury Select Committee, the hon. Member for Edmonton (Mr Love) and then the representative of the Scottish National party, the hon. Member for Dundee East (Stewart Hosie), and then I shall make some progress.

Mr Andrew Love (Edmonton) (Lab/Co-op): How can the Chancellor possibly describe as credible a deficit reduction programme that ends up increasing debt by £46 billion?

Mr Osborne: As I have said, the British structural deficit is coming down because of the measures that we are taking, but the proposal put to the House today would push the budget deficit this year into double figures. No country in the world would consider that a sensible approach at a time such as this for a country such as Britain. It is economic nonsense, and I suspect that the hon. Gentleman knows it.

Stewart Hosie (Dundee East) (SNP): I thank the Minister for giving way. He is being very generous. May I take him back to his exchange with the shadow Chancellor on IMF quotes? On 20 September, Monsieur Decressin, the senior adviser to the IMF research department, said that the IMF view was that

> "policies in…the UK should only be loosened if growth really threatens to slow down substantially, relative to what we are forecasting. For so long as the forecast seems to pan out, there is no reason to change fiscal plans."

The IMF has set down a marker for growth and, in effect, said that if it falls substantially, as it is doing, it would accept fiscal loosening. Does the Chancellor recognise that if growth continues to flatline or fall, there is at least an argument for fiscal loosening?

Mr Osborne: The IMF is clear that on its forecasts, which are some of the more pessimistic forecasts for the UK at the moment, it is not recommending a change in policy stance. That is what it says. It is what the managing director has said; what the article 4 report on the UK said; what the OECD is saying; and what all the business organisations in Britain are saying. That is why the path that the shadow Chancellor has laid out for the country is so incredible and does nothing to deal with the problems that he left to the country.

Richard Fuller: Will the Chancellor give way?

Mr Osborne: I shall take one more intervention and then make some progress.

Richard Fuller: In response to the question from the hon. Member for Dundee East (Stewart Hosie), I would say that that is not the answer to a debt recession, because a debt recession relies on credibility. One of the key points in the motion is that the Labour party's so-called plan would provide, through a temporary reverse of the VAT increase, a benefit of £450 for every couple with children. Has the Chancellor worked out the benefit to average families in the country of maintaining the credibility of our country's finances and ensuring lower interest rates?

Mr Osborne: As I was just explaining, a 1% rise in interest rates—I am not talking about the level of interest rates in Spain and Italy—would mean £10 billion in higher mortgage bills for British families. That is the reality of what the shadow Chancellor is proposing.

Ed Balls *rose—*

Mr Osborne: I shall take the right hon. Gentleman's intervention, and then I shall make some progress and give way again later.

Ed Balls: The former chief economist at the Cabinet Office, who actually drew up the plan B that the Chancellor then shelved, said in August:

> "Low long-term interest rates appear to reflect economic weakness and lack of market confidence in the prospects of the UK economy, not the reverse."

Is the Chancellor saying that the former chief economist at the Cabinet Office, now head of the National Institute of Economic and Social Research, is wrong to say that low interest rates are a sign of lack of confidence and prospects for growth?

Mr Osborne: I am glad that I took that intervention, because the implication is that the shadow Chancellor wants higher interest rates in Britain. That is the revelation we have just heard from him, and it tells us everything about what he is proposing: a catchy five-point plan—the clue is in the title—for a conference speech that would put Britain back at the mercy of the international bond markets, with higher interest rates affecting families and businesses and causing homes to be repossessed and jobs to be lost. We will have no part in it.

Ed Balls *rose—*

Mr Osborne: I have already given way quite a bit. I shall give way again later when I have dealt with this point and when perhaps the shadow Chancellor can answer the questions that I am about to put to him.

Ed Balls *rose—*

Mr Osborne: All right. If he has a good point to make, he can make it.

Ed Balls: The Chancellor—the Chancellor!—must be the only person in the whole country who thinks that to have Bank of England interest rates at less than 1% for three months is a sign of economic strength, not of the fact that our economy has not grown for a year and that unemployment is rising. The long-term interest rates at the long end of the curve are a reflection of expectations that those interest rates will stay persistently low. The former chief economist said that they

> "reflect economic weakness and lack of market confidence in the prospects of the UK economy, not the reverse".

Is the Chancellor saying that Jonathan Portes, from the National Institute of Economic and Social Research, is wrong?

Mr Osborne: My first point is that Jonathan Portes and I have had our disagreements for the past 16 months. He was not my appointment to the Government, but the shadow Chancellor's, and he is not working for the Government any more. The second thing I want to say is that he cannot have it both ways. He cannot say that Britain is alone in facing these problems, which was the implication of his speech, and then not look at long-term interest rates—or, indeed, the short-term interest rates—in the United States and Germany, which are lower than ours, although we are close to them. *[Interruption.]* The shadow Chancellor says that they are weak. One of our problems is that the German, US and French economies have ground to a halt. That is why we also need a solution to the eurozone crisis, which has hit all western economies. His idea that Britain is unique in the world in facing these problems is frankly laughable.

Mr Denis MacShane (Rotherham) (Lab): My constituents listening to this will be unable to comprehend all the statistics that the Chancellor is placing in front of us. However, we are missing the human dimension. In Rotherham, for the first time in nearly 20 years, unemployment today rose above 10%. That is taking us back to the south Yorkshire de-industrialisation of the 1980s. We are talking about real people. Does the Chancellor have even the tiniest nanoscintilla of doubt about his policy? He has been in charge for nearly 18 months. Does he have any concerns that perhaps his policy is not working?

Mr Osborne: I am clear that what we are doing is tough but necessary because of the very difficult situation that we inherited. The right hon. Gentleman talked about the impact in south Yorkshire. We inherited a record budget deficit and a bigger recession than in any other country in the world apart from Japan. That is what we are recovering from. Arguably, it was the biggest banking crash in the entire history of the country—at a time when those banks were supposed to have been regulated by the Government of which he was a Minister. That is what we are dealing with. Of course, it is extremely difficult, and many countries are facing problems at the moment, but I think that the steps that we have taken have helped us to weather this global debt storm and kept interest rates low for people in Rotherham. I shall come on to the steps that we can take to ensure that Rotherham does not suffer in the future as it has done in recent years under the Labour Government.

Several hon. Members *rose—*

Mr Osborne: I shall make some progress and then take some more interventions.

I shall touch briefly—because we covered this during Monday's statement—on the situation in the eurozone. I set out on Monday what I felt was needed and what many in the world now feel is needed: we need to ring-fence the eurozone by giving its bail-out fund maximum power; recapitalise Europe's banks when they are weak; resolve the situation in Greece; and then set out the path to the political and economic changes required to make monetary union work, with greater fiscal integration and improvement in competitiveness on the periphery. I said that Britain wanted no part in the fiscal integration, but that we want to protect our say in the single market, financial services and competition issues. We also want the whole of the UK to become more competitive—with a more complete single market and freer trade.

Since Monday's statement, we have had the news that the Slovakian Parliament has voted down the proposed changes to the eurozone financial fund—the European financial stability facility—which is clearly a disappointment. We all hope that it will pass in the coming days and urge the Slovakian Parliament to pass it. What has also been disappointing in the past couple of days is the suggestion from the President of the European Commission that Britain should make a direct contribution to eurozone bail-outs. Britain chose not to join the euro and the British Prime Minister has fought hard to get Britain out of the bail-out fund to which the previous Government signed us up. I want to make it clear that whatever the Commission President says, British taxpayers will not be contributing to the eurozone's bail-out of Greece—full stop. However, we will work with our eurozone partners to help them to resolve the crisis and work with our international partners in institutions such as the IMF to ensure that they have the resources to deal with the problems across the world.

I said that the first thing missing from the shadow Chancellor's speech was a credible deficit plan, but there was—

Gavin Shuker: Will the Chancellor give way?

Mr Osborne: Let me make just a little bit of progress and then I shall give way.

There was an absolutely staggering second omission from the shadow Chancellor's speech, which was any reference—I will take an intervention if I have got this wrong—to Labour's big new economic policy idea, which was unveiled at the Labour conference two weeks ago. I am referring, in case hon. Members have forgotten, to that great plan to divide British businesses into producers and predators—good and bad—and to levy different tax rates on them. Remember the speech from the Labour leader? Did the shadow Chancellor have any part in writing that speech?

Ed Balls: It was a very good speech.

Mr Osborne: At last there is something we agree on. It was absolutely the speech that we wanted to hear from the Labour leader at the Labour conference. I want to know what happened to this great idea, which was the centrepiece of Labour's growth strategy for the new economy. Two weeks later it is not even referred to in the motion that we are being asked to debate. It is like the Lord Lucan of policy ideas: we do not know whether it is dead already or whether it has just gone missing for ever. I was really disappointed, because we know that the shadow Chancellor likes to cover all the policy areas in the shadow Cabinet and I was hoping for an explanation from him about how the idea was going to work. Are we supposed to grow our economy by levying new taxes and regulations on companies owned by private equity firms such as Boots, T-Mobile, the AA, Saga, Somerfield, Legoland and Chessington World of Adventures, those well-known centres of predatory business activity? *[Laughter.]* It would be laughable if it were not the centrepiece of the Opposition's economic policy.

Ed Balls *rose—*

Mr Osborne: Tell us what it is all about.

Ed Balls: What is completely laughable is taking a lecture from this Chancellor on growth. Let me ask him this. The Prime Minister's out-of-touch statement that consumers should just pay off their credit cards—did he write it or did he ask for it to be taken out?

Mr Osborne: The Prime Minister gave his speech, which the shadow Chancellor should have paid close attention to, and made it absolutely clear that people are paying off their credit cards—because of the situation that the Labour party has left this country in—but I would ask the shadow Chancellor this question. He had a chance before; will he please mention—just once, in one intervention—the policy of the Labour leader? Come on, just get up and say you support it.

Ed Balls: I think the research and development tax credit to encourage and incentivise investment in research and development was a good thing. I think our proposal to cut national insurance for small companies that take on more employees is a good policy. It was in the Leader of the Opposition's speech; it was in our five-point plan; it is in the motion—so why do Government Members not vote for it?

Mr Osborne: I guess that is called an "Ed Balls endorsement"—that is what the last Chancellor and Tony Blair got used to. We increased the R and D tax credit for small businesses in the Budget, so we have taken that idea—which we came up with—and introduced it. I am very pleased that the Labour party now supports it, but what about this idea that a Labour Chancellor would sit there in No. 11 with his home-made scales of justice weighing up the companies he likes and those he does not like and levying different levels of tax on them? What happened to that? It was the centrepiece of the Labour conference two weeks ago, and it shows why Labour simply cannot be trusted to run the economy of this country and why it has become the anti-business party again.

Tom Blenkinsop (Middlesbrough South and East Cleveland) (Lab): I thank the Chancellor for giving way. It is interesting that he brings up those points, but can he please tell us where the ghost—or the ghoul—of the regional growth fund is? It has now been six months and the north-east is still waiting for the regional growth fund money that it was promised. Businesses are hanging on the wire for that money. Will he please tell us where that cash is?

Mr Osborne: Again, that was another opportunity to talk about Labour's big economy idea. The hon. Gentleman did not take it, but I am glad that he raised the regional growth fund, which has allocated money to the north-east and other parts of the country. That money is flowing and those projects will get going. We are also setting up enterprise zones in Teesside and Tyneside, and doing what we can to get the north-east economy, which also suffered in recent years, on the front foot, creating private sector jobs so that that region, too, has prosperity.